

**BOROUGH OF CARROLL VALLEY  
PLANNING COMMISSION MEETING  
Monday, November 14, 2022 – 7:00 P.M.  
Borough Office**

**A G E N D A**

- A. Approval of Meeting Minutes**
  - A. Minutes of the October 3, 2022 meeting
- B. Open to the Public**
- C. New Business**
- D. Old Business**
  - A. Zoning Ordinance Amendment Regarding Vacation Rentals & RV Trailer Parking
  - B. Proposed Chapter #10 Amendment – Property Maintenance
- E. Adjournment**

CARROLL VALLEY BOROUGH  
ADAMS COUNTY, PENNSYLVANIA

Ordinance No. \_\_\_-20\_\_\_

AN ORDINANCE OF THE BOROUGH OF CARROLL VALLEY AMENDING CHAPTER 27 OF THE BOROUGH OF CARROLL VALLEY CODE OF ORDINANCES TO: MODIFY REGULATIONS PERTAINING TO VACATION RENTALS AND PARKING; REAFFIRM CHAPTER 27 AS AMENDED, AND SET FORTH AN EFFECTIVE DATE.

The Borough of Carroll Valley hereby ordains:

**SECTION 1. AMENDMENT TO CHAPTER 27 OF THE BOROUGH OF CARROLL VALLEY CODE OF ORDINANCES.**

The Borough of Carroll Valley Code of Ordinances (hereinafter "Code of Ordinances:), Chapter 27 "Carroll Valley Borough Zoning Ordinance", is hereby amended, with all material to be deleted indicated with ~~strikethroughs~~, and all material to be added indicated with underlining as follows:

***II. §201; "Definitions" is hereby amended as follows:***

BOAT - any water vessel designed to carry persons and/or property upon water, propelled by engine, oars or sail.

HARD SURFACE - asphalt, concrete, or compacted crushed stone or gravel, granular material or aggregate with an asphaltic or cement binder having a minimum overall depth of 6 inches, or any other permanent type of surfacing which prevents the raising of dust or loose particles, or the infiltration of contaminants into the groundwater.

RECREATIONAL VEHICLE - a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes

TRAILER - any vehicles or devices of any kind whatsoever which are manufactured, designed, marketed, or used to be coupled to or drawn by a motor vehicle.

TRUCK TRACTOR - every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. However, a truck tractor may have a box, deck, or plate for carrying freight, mounted on the frame behind the cab, and forward of the fifth-wheel connection point.

***IV. §401.B; "Accessory Uses:" is hereby amended as follows:***

10. Vacation Rental, in accordance with Section 1501.HH.

***IV. §401.C; "Special Exception Uses:" is hereby amended as follows:***

~~6. Vacation Rental, in accordance with Section 1501.HH.~~

**VI. §601.B; "Accessory Uses:" is hereby amended as follows:**

~~9. Vacation Rental, in accordance with Section 1501.HH.~~

**VI. §601.C; "Special Exception Uses:" is hereby amended as follows:**

~~2. Vacation Rental, in accordance with Section 1501.HH.~~

**VII. §701.B; "Accessory Uses:" is hereby amended as follows:**

~~9. Vacation Rental, in accordance with Section 1501.HH.~~

**VII. §701.C; "Special Exception Uses:" is hereby amended as follows:**

~~4. Vacation Rental, in accordance with Section 1501.HH.~~

**XIV.-§1415.C; "Unenclosed Storage and/or Parking" is hereby amended as follows:**

2. Recreational vehicles, travel trailers, truck tractors, boats and trailers may be parked on a property in accordance with the following requirements:
  - a. The storage of one (1) such vehicle shall be permitted. ~~Such vehicle is permitted to be parked in any yard as long as no portion of the vehicle (including tongue) is located within any public right-of-way, on or above any public sidewalk or easement, or within a distance of five (5) feet from adjoining property lines.~~
  - b. The storage of a second recreational vehicle, travel trailer, truck tractor, boat or trailer shall be permitted if the gross lot size is equal to or greater than two (2) acres, as derived from a recorded deed and/or recorded subdivision plan. The second vehicle shall be permitted only in the side/rear yard, and no portion of the vehicle (including tongue) shall be located within any public right-of-way, on or above any public sidewalk or easement, or within a distance of five (5) feet from an adjoining property. All storage of recreational vehicles, travel trailers, truck tractors, boats or trailers within side or rear yards must be screened so as to prohibit said vehicle from being seen from a neighboring property. There is no exception to this rule for Corner Lots.
  - c. All areas used for storage shall be maintained so as to keep vegetation properly trimmed and debris or litter disposed of regularly. Storage of such vehicle shall not exempt the property owner from any property maintenance requirement of this Ordinance or any other Borough ordinance. Storage areas must also be provided with a hard surface for parking.
  - d. All vehicles shall maintain valid registration and inspection, and prevent the leakage of fuels and/or lubricants into the ground

**XV. §1501.HH; "Vacation Rental" is hereby amended as follows:**

8. A "Vacation Rental Permit" is required to be obtained from the Borough and must be renewed annually by the property owner, at a fee as determined from time to time by the Borough.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

**SECTION 3. SEVERABILITY.**

In any sentence, clause, section or part of this Ordinance 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 Ordinance. It is hereby declared as the intent of the Carroll Valley Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall become effective upon the earliest date provided by law. ORDAINED AND ENACTED as an Ordinance of the Borough of Carroll Valley this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

CARROLL VALLEY BOROUGH COUNCIL

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

## Chapter 10 Health, Safety, and Nuisances

### § 10-101. Legislative findings.

The Borough Council of the Borough of Carroll Valley, Adams County, Pennsylvania, finds that the removal of nuisances is in the interest of the citizens of the Borough and that removal of nuisances on public and private property promotes public health, safety, and welfare of all residents of the Borough.

### § 10-102. Definitions.

For the purposes of the chapter, the following terms, phrases, and words and their derivatives shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word "shall" is always mandatory and not merely directory.

ABANDONED MOTOR VEHICLE — Any motorized vehicle which is without a currently valid license plate or plates and/or is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative or abandoned condition.

APPLIANCE — A stove, refrigerator, television set, furnace, air conditioner, water heater, water softener, washer, dryer, microwave, or any household article used to perform any of the necessary domestic work in a household. The term "appliance" shall also mean any article used in business to increase production or to speed, ease, or eliminate work, including but not limited to the specific items aforementioned.

ATTRACTIVE NUISANCE — a dangerous condition on a landowner's property that may particularly attract children onto the land and pose a risk to their safety.

~~A condition, instrumentality, machine, or other agency which is maintained on premises, and which is dangerous to young children because of their inability to appreciate peril and may reasonably be expected to attract them to premises.~~

DANGEROUS BUILDING/STRUCTURE — Any building, structure, or portion thereof which threatens the life, health, safety, or property of the public or its occupants because of inadequate maintenance, dilapidation, obsolescence, fire hazard, disasters, damage, or abandonment. The conditions which may cause a structure to be classified as a "dangerous building" include but are not limited to the following:

- A. The walking surface of any aisle, passageway, stairway, or other means of exit is so warped, worn, loose, torn, or otherwise unsafe as not to provide a safe and adequate means of exit in case of fire or panic.
- B. Any portion, section, or appurtenance of the building or structure has been damaged by fire, wind, flood, or by any other cause to such an extent that it is likely to partially or completely collapse, fail, detach, or dislodge.
- C. The building or structure, or any part thereof, because of dilapidation, deterioration, or decay; or faulty construction; or the removal, instability, or movement of any portion of ground necessary for such building; or the decay, deterioration, or inadequacy of its foundation; or any other cause is likely to collapse partially or completely.
- D. The building or structure has been so damaged by fire, wind, flood, or other causes or

has become so dilapidated or deteriorated as to become an attractive nuisance to children or a harbor of transients or vagrants.

- E. The building or structure used or intended to be used for dwelling purposes is unsanitary, unfit for human habitation, or in such condition that it is likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air or sanitation facilities or other cause.
- F. The building or structure creates a fire hazard by its obsolescence, dilapidation conditions, deterioration, damage, or other cause.
- G. Any portion of the building, including the foundation, slab or grade, or structure remains on a site after the demolition or destruction of the building or structure.

DISCARDED - Any item resting for 48 hours outdoors, or in an area that is not fully enclosed, which is not designed for outdoor use, or which is not being used outdoors for its intended purpose.

ENCLOSED — Having a wall or walk, window or windows, and a door used as access to the dwelling.

HABITABLE STRUCTURE - Any building, dwelling, or other space in which any person may reside, or which is intended for human occupancy.

HARD SURFACE - asphalt, concrete, or compacted crushed stone or gravel, granular material or aggregate with an asphaltic or cement binder having a minimum overall depth of 6 inches, or any other permanent type of surfacing which prevents the raising of dust or loose particles, or the infiltration of contaminants into the groundwater.

HOUSEHOLD FURNISHINGS - All items normally found and used inside a home or residence.

JUNKED - Inoperable, obsolete, or abandoned items that are, being stripped of components, being used or sold for parts, to be sold for scrap, or not being used for their intended purpose.

MOTOR VEHICLE - any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, including trailers or semi-trailers pulled thereby.

NUISANCE — Any condition or use of premises or of building exteriors that is detrimental to the property of others, or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located, or that constitutes a danger or potential danger to the health, safety, or welfare of the citizens of the Borough of Carroll Valley. This includes, but is not limited to:

- A. The keeping or depositing on or scattering over the premises of any Junk, trash, or debris including but not limited to all waste, refuse, and discarded materials having only a junk or salvage value, and garbage not contained in a safe, sanitary, and orderly manner in a proper container for collection.
- B. The keeping or depositing on or scattering over the premises of any Abandoned, discarded, or unused objects or equipment such as motor vehicles, furniture, stoves, refrigerators, freezers, cans, or containers.
- C. Maintaining or causing to be maintained, any dangerous structures, including but not limited to abandoned, occupied, or unoccupied buildings or parts of buildings.
- D. Maintaining or causing to be maintained upon any unenclosed porch or exterior

attachment, which faces a regularly traveled thoroughfare, furniture, other than furniture designed for exterior use, which is commonly intended for use inside a dwelling, including but not limited to upholstered sofas, chairs, davenports, beds, divans, and similar.

- E. The use of a porch roof or other second story or higher portion of a structure for a non-designed use, unless said porch roof or other portion of a structure is specifically designed for said use.
- F. It shall be considered a nuisance to permit the growth of trees, grass, weeds, and other vegetation under the following instances:
  - 1) Encroachment Upon Adjoining Rights-of-Way. No person, firm, or corporation owning or occupying any property within the Borough shall permit any trees, hedges, bushes, or shrubbery of whatsoever kind or nature, exceeding 12 inches in height, to grow or remain in the right-of-way within 5 feet from the edge of the road surface. Further, such growth is prohibited on any property if, by encroaching upon adjoining rights-of-way, it interferes with pedestrian or vehicular traffic using said rights-of-way or hampers proper drainage of the roadway. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Borough.
  - 2) Damaging or Dangerous Growth. No person, firm, or corporation owning any property within the Borough shall permit any grass, weeds, or other vegetation included on the Noxious Weed List contained within the Pennsylvania Noxious Weed Control Law (3 P.S. §§ 255.1 – 255.11), as amended, to grow or remain upon any property. Any such conduct is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Borough.
  - 3) Control of Grass, Weeds, and Other Vegetation on Improved Properties. No person, firm, or corporation owning or occupying any property improved with a structure, whether for residential or commercial purposes (with the exception of large recreational or agricultural tracts), within the Borough shall permit any grass or weeds or vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain on such premises, including any portion of the premises within the street or right-of-way, so as to exceed a height of 12 inches. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the Borough.
  - 4) Trees, shrubs, hedges, or other vegetation overhanging sidewalks or other pedestrian walkways at a height of fewer than eight feet.
  - 5) Trees, shrubs, or other vegetation overhanging a road right-of-way at a height of fewer than 16 feet, measured from the street surface at the curb.
- G. Garbage, garbage containers, trash stored in the front of a building on a porch or front yard, except for the 24 hours immediately before the regularly scheduled collection of trash.

- H. Motor vehicles, which are stored outdoors, and are subject to one or more of the following are not permitted to be kept or stored on any premises:
- 1) Inoperative, Unregistered or uninspected motor vehicle
  - 2) Broken windshields, mirrors, or other glass with sharp edges.
  - 3) One or more flat or open tires or tubes that could permit infestation.
  - 4) Missing doors, windows, hoods, trunks, or other body parts which could facilitate the harboring of animals and/or other infestation.
  - 5) Any body parts with sharp edges, including holes resulting from rust.
  - 6) Missing tires resulting in unsafe suspension of the motor vehicle.
  - 7) Upholstery that is torn or open which could permit the harboring of animals and/or other infestation.
  - 8) Broken headlamps or tail lamps with sharp edges.
  - 9) Disassembled chassis parts apart from the motor vehicle stored in an unsafe fashion or loose, in or on the vehicle.
  - 10) Protruding sharp objects from the chassis.
  - 11) Broken vehicle frames suspended from the ground in an unstable manner.
  - 12) Leaking or damaged oil pan or gas tank that could cause fire or explosion.
  - 13) Exposed battery containing acid.
  - 14) Inoperable locking mechanism for doors or trunk or hood.
  - 15) Open or damaged floorboards, including trunk and firewall.
  - 16) Damaged bumpers pulled away from the perimeter of the vehicle.
  - 17) Broken grill with protruding edges.
  - 18) Loose or damaged metal trim and clips; broken communications equipment and antenna.
  - 19) Suspended on unstable supports.
  - 20) Motor vehicles routinely parked or kept anywhere a hard surface does not exist. All motor vehicles must be parked on a hard surface to protect individual wells from contamination.
  - 21) Such other defects that may threaten the health, safety, and welfare of the citizens of the Borough.
  - 22) Exception. A vehicle of any type is permitted to undergo a major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.



- I. Befouling of roadways unlawful. It shall be unlawful to scatter, spill, dump, drop, or drag or permit to be scattered, spilled, dumped, dropped, or dragged any soil, sand, stone, dirt, debris, refuse, litter, or other substances of any kind from any property or vehicle or from the wheels, tires or undercarriage thereof upon roadways.
- J. It shall be unlawful for any person to knowingly cause grass clippings, leaves, snow, or other debris or waste produced in conjunction with yard maintenance or gardening onto the streets, alleys, and other public roads of the Borough. A homeowner is responsible to ensure that any persons hired to cut their grass or maintain their yard abide by this ordinance. Any grass or waste which inadvertently is caused to enter the streets or alleys of the Borough shall be promptly removed; there is no "grace period" within which to remove grass or leaves.
- K. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- L. Structures with any of the following exterior defects:
  - 1) The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to public health, safety, or welfare.
  - 2) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
  - 3) All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
  - 4) All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.
  - 5) The roof and flashing shall be sound, and tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
  - 6) All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
  - 7) Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed loads.
  - 8) All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

- 9) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- 10) Every window, skylight, door, and frame shall be kept in sound condition, in good repair, and weather tight.
- 11) All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units, and guestrooms shall tightly secure the door.

OWNER — A person giving, leasing, occupying, or having charge of any premises within the Borough. This would also include the term “Lessee” when the lessor holds the lessee responsible for maintenance and repairs.

PERSON — Any person, firm, partnership, association, corporation, company, or organization of any kind.

PORCH or EXTERIOR ATTACHMENT — Any area attached to or appended to a building regularly used for dwelling.

PORCH ROOF — A roof at the second story or above on any building, which extends over an unenclosed area.

PREMISES - A lot(s), plot(s) or parcel(s) of land including any habitable structure(s) located thereon.

REGULARLY TRAVELED STREET — Any street, alley, or thoroughfare on which one or more motor vehicles travel during any twenty-four-hour period.

ROADWAY - Any lot, road, street, alley, or other areas within the Borough which may accommodate traffic.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

### **§ 10-103. The Illegality of Nuisances.**

Nuisances, as defined herein, are hereby declared to be illegal.

### **§ 10-104. Abatement.**

- A. Abatement of nuisance by owners. The owner, owners, tenants, lessees, and/or occupants of any lot within the Borough upon which a nuisance is found to exist and the owner, owners, and/or lessees of said personalty involved in such storage (all of whom are hereafter referred to as "owners") shall jointly and severally abate said nuisance by the prompt removal of said nuisance.
- B. Abatement of nuisance by Borough. Whenever said owner(s) shall fail to abate a said nuisance, the Borough shall take such action as is necessary to abate said nuisance without liability for damage to the property. The actual costs of abating said nuisance, including actual labor charges, equipment rental charges, postage, plus a penalty of 10% of the costs, shall be collected from the owner of the premises either by an action in assumpsit or by the filing of a municipal claim or lien against the said real property. In addition to the above, the Borough may, by an action in equity, compel the owner to comply with this chapter or take such other relief as a court may order.

### **§ 10-105. Enforcement; compliance.**

- A. Whenever a condition constituting a nuisance is permitted or maintained upon premises situate in the Borough, the Borough Manager, the Code Enforcement Official, or, per Subsection H, an official of Carroll Valley Borough shall cause written notice to be served in one of the following ways:
  - (1) By personal delivery of the notice to the owner, tenant, or lessee of the premises.
  - (2) By leaving the notice with an adult upon the premises.
  - (3) By attaching a copy of the notice to the door at the entrance of the premises in violation.
  - (4) By mailing, by certified mail, a notice to the last known address of the owner.
- B. Such notice shall set forth in what respects such conditions constitute a nuisance and whether removal is necessary and required by the Borough or whether the situation can be corrected by repairs, alterations, boarding, or fencing or in some other manner confining and limiting the nuisance.
- C. Such notice shall require the owner(s) to commence an action, by the terms thereof, within seven days of the date of the notice, and thereafter to complete the work necessary to comply fully with the terms of the notice as soon as is reasonable, but not later than 60 days from the date of said notice, provided that the owner(s) has requested such an extension within the original term for compliance.
- D. The expense of said compliance shall be at the expense of the owner; provided, however, that if a violation requires immediate correction, such notice shall require the owner to immediately comply with the terms thereof.
- E. Notice required under § 10-105.A shall be given one time during a calendar year.
- F. Each day shall constitute a separate violation of this chapter.
- G. Whenever a condition allegedly constituting a dangerous building shall remain unabated following notice by the Borough in accordance with §10-104, then the Borough shall institute proceedings to have the building or structure declared a dangerous building and the nuisance abated. The procedure to be followed shall be adopted by the Council.
- H. Notwithstanding the foregoing, if any official of Carroll Valley Borough determines that any person, partnership, association, or corporation is or has allowed a nuisance, as defined in § 10-102 under "Nuisance," Subsections A and I, regarding junk, trash, or debris and garbage containment and collection, to occur, the Borough shall cause written notice as outlined in § 10-105.A to be sent to the violator to voluntarily abate and remove the nuisance within 24 hours thereof. However, in the case of junk, trash, debris, or garbage that is the result of celebratory activities (i.e., parties or general gatherings), immediate notice shall be personally served in accordance with § 10-105.A (1), requiring that all such junk, trash, debris, or garbage be removed within three hours of such notice. If the violator has not abated or removed the nuisance within the time provided for such removal in the notice, the Borough may initiate legal proceedings.

**§ 10-106. Violations and penalties.**

- A. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be

found to have been violated shall constitute a separate offense.

- B. The remedies provided herein for the enforcement of this Part, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Borough.