

**LACKAWAXEN TOWNSHIP  
PIKE COUNTY, PENNSYLVANIA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING REGULATIONS FOR RECREATIONAL  
VEHICLES**

**Article 1. Short title**

This Ordinance shall be known as "The Recreational Vehicle Ordinance for Lackawaxen Township".

**Section 2. Authority and Purpose**

- A. This Ordinance is authorized under Section 1506-General Powers, Section 1517- Building & Housing Regulations, Section 1527- Public Safety and Section 1529- Nuisances, of the Second-Class Township Code.
- B. The purpose of this Ordinance is to regulate recreational vehicles in Lackawaxen Township.
- C. Recreational Vehicles shall be permitted in all districts in Lackawaxen Township if this Ordinance is satisfied.
- D. This Ordinance is further authorized under the Lackawaxen Township Zoning Ordinance.

### **Section 3. Definitions**

**Recreational Vehicle.** A vehicle with or without motor power which may be towed on a public highway by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide in campers, recreational vehicle homes and motor homes.

### **Section 4. Scope**

The provisions of this Ordinance shall apply to all recreational vehicles except for recreational vehicles that exist or are proposed in the RV district of the Township.

### **Section 5. Standards**

- A. A recreational vehicle that does not have a current registration or is not capable of being moved or transported or has not been moved or transported in more than six (6) months shall be considered an Accessory Use in all Zoning Districts.
- B. Recreational vehicles that have been designated Accessory Uses shall comply with required setbacks for Zoning District in which it is located, shall be counted as a vehicle for purposes of ascertaining what constitutes a Junk Yard as defined in the Lackawaxen

Township Zoning Ordinance, and shall not be allowed on any property that does not have a Principal Permitted Use. The recreational vehicle shall have a maximum continuous occupancy of fifteen (15) days.

- C. Recreational vehicles that are in sound working condition, can easily be moved, and have a current registration, shall not be considered an Accessory Use when located on a property with a Principal Permitted Use. Recreational vehicles not considered an Accessory Use shall be allowed on private property without a Principal Permitted Use for a maximum of thirty (30) days. Said RV in this situation shall have a maximum continuous occupancy of fifteen (15) days.

### **Section 6. Violations**

- A. If it appears to an Enforcement Officer that a violation of this Ordinance exists or has occurred, the Enforcement Officer shall send a Written Notice of Violation to the owner by personal delivery or by both United States first class and certified mail. The Enforcement Notice shall identify the premises which is the subject to the violation, enumerate the conditions which constitute the violation, cite the specific sections of this Ordinance which are violated, indicate the action required to correct the violation, and

provide a time frame, which shall be established by the Enforcement Officer based upon the nature of the violation, to correct the violation.

- B. Any violation of this Ordinance shall be declared a public nuisance or a Junk Yard.
- C. This Ordinance shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than One Hundred (\$100.00) Dollars nor more One Thousand (\$1,000.00) Dollars per violation, plus all court costs and reasonable attorneys' fees included by the Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce the compliance with this Chapter. All fines, penalties, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid to the Township for its general use.

- D. Should liability be found and if the premises are owned by more than one owner, each owner shall be jointly and severally liable for any and all violations of this Chapter.

### **Section 7. Appeals**

- A. Appeals of a determination of the Zoning Officer under this Ordinance, shall be filed with the Board of Supervisors at the Township's business office within thirty (30) days of the date of the determination appealed from.
- B. Appeals shall be processed as follows:
- a. All appeals shall be in writing and signed by the Appellant on forms prescribed by the Township, and shall be accompanied by a fee, the amount of which shall be established by the Township Supervisors, which may include notice and advertising costs, and necessary administrative overhead in relation to the hearing.
  - b. Each appeal shall fully set forth the determination appealed from, a detailed reason or basis for the appeal, and the relief sought. Every appeal shall refer to the specific provision of circumstances of the case.

C. Hearings. The Board of Supervisors shall conduct hearings and make decisions pursuant to Local Agency Law, and in accordance with the following requirements:

- a. Written notice shall be given to the Appellant, the Zoning Officer and to any person who has made a timely request for the same. Written notices shall be given at such time and manner as shall be prescribed by rules of the Board of Supervisors, but not less than fifteen (15) days prior to the Hearing.
- b. The hearing shall be held within sixty (60) days from the date of the appeal is filed unless the Appellant has agreed in writing to an extension of time.
- c. The hearings shall be conducted by the Board of Supervisors. The decision or, where no decision is called for, the findings shall be in writing by the Board of Supervisors within forty five (45) days after the conclusion of the hearing, unless the Appellant has agreed in writing to an extension of time, and shall be communicated to the Appellant and any other parties who have entered their appearance and requested a copy of the decisions, at the address provided by them either by personal delivery or by United States First Class Mail, postage prepaid.

- d. The Chairman or Acting Chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents presented by the parties.
- e. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- f. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- g. The Board of Supervisors may but is not required to make a stenographic record of the proceedings. In the event a stenographic record of the proceedings is not provided by the Board of Supervisors, a stenographic record shall be made and kept at the request of any party agreeing to pay the costs thereof. Any party or other person desiring a copy of the stenographic record shall order the copy directly from the stenographer who prepared the same and shall pay the cost imposed by the stenographer for the copy directly to the stenographer.

h. The Board of Supervisors, shall not communicate, directly or indirectly, with any party or any party's representatives in connection with any issue involved except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda or other materials, except advice from their own solicitor, unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings after the commencement of hearings with any party or any party's representatives unless all parties are given an opportunity to be present.

### **Section 8. Severability**

Each section and subsection of this Ordinance shall be deemed to be severable and not affected by any determination that any other provision of this Ordinance is enforceable. If 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 Supervisors that this Ordinance would



have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 9. Repealer**

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

**Section 10. Effective date**

This Ordinance shall take effect on \_\_\_\_\_.

**DULY ENACTED AND ORDAINED** at a public meeting of the Board of Township Supervisors, Pennsylvania, held on the \_\_\_ day of \_\_\_\_\_, 2021.

**LACKAWAXEN TOWNSHIP SUPERVISORS**

**Attest:**

\_\_\_\_\_  
**Chief Clerk**

\_\_\_\_\_  
**MICHAEL MANCINO**

\_\_\_\_\_  
**JEFFREY SHOOK**

\_\_\_\_\_  
**JOHN BEISEL**