

ORDINANCE NO. 151

AN ORDINANCE OF THE TOWNSHIP OF SPRINGFIELD, BUCKS COUNTY, PROHIBITING NUISANCES, INCLUDING BUT NOT LIMITED TO STORING OR ACCUMULATING GARBAGE OR RUBBISH, JUNK MATERIAL, ABANDONED OR JUNKED MOTOR VEHICLES, ABANDONED OR UNOCCUPIED BUILDINGS OR PARTS OF BUILDINGS IN A STATE OF DILAPIDATION OR DISPREPAIR; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES AFTER NOTICE TO THE OWNERS TO DO SO; PROVIDING FOR THE COLLECTION COSTS OF SUCH ABATEMENT OR REMOVAL BY THE TOWNSHIP; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Board of Supervisors of Springfield Township, Bucks County, Pennsylvania, deems it to be in the best interest and general welfare of the citizens and the residents of this Township to prohibit the unreasonable or unlawful use of private or public property which causes injury, damage, harm, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights or persons or property; and

WHEREAS, Section 1529 of the Second Class Township Code, Act May 1, 1993, P.L. 103, as amended, 53 P.S. 66529, authorizes the Board of Supervisors to prohibit nuisances, including but not limited to, accumulations of garbage and rubbish, the storage of abandoned or junked automobiles, and to impose penalties therefore; and

WHEREAS, Section 1533 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, 53 P.S. 66533, authorizes the Board of Supervisors to require the owner to remove any nuisance or dangerous structure on public or private grounds after notice to the owner to do so, and to remove the nuisance or structure and collect the cost of the removal, together with the penalty imposed by ordinance, from the owner;

WHEREAS, the Board of Supervisors of Springfield Township finds that the accumulation of garbage or rubbish, the storage of abandoned or junked vehicles and the failure to remove dangerous structures pose a risk of harm to children or other members of the public as attractive nuisances and further pose a risk of attracting and/or serving as shelter for snakes, vermin, insects or other wild animals and therefore constitute a danger to the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Springfield Township, Bucks County, Pennsylvania, as follows:

Section 01. Definitions

Unless otherwise expressly provided, certain words and phrases used in this Ordinance shall have the following meanings:

A. Abandoned or Junked Vehicle – any automobile, trailer or other vehicle whose state of disrepair is such that it poses a risk of harm to children or other members of the public, or poses a risk of attracting and/or serving as shelter for snakes, vermin, insects or other wild animals.

B. Dangerous Structure – any building which has deteriorated to the state where it is dangerous and unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or other vermin, endangers the safety of children playing thereabouts or endangers other members of the public.

C. Garbage or rubbish – all types of material having only a junk or salvage value, including but not limited to scrap metal, glass, industrial waste, trailers, boats, furniture and parts thereof, the storage of which poses a risk of harm to children or other members of the public, or poses a risk of attracting and/or serving as shelter for snakes, vermin, insects or other wild animals.

D. Person – any individual, partnership or corporation, or unincorporated association.

E. Property – property shall include both private and public property.

Section 02. Nuisances Defined and Prohibited

A. An abandoned or junked vehicle is hereby declared to be a nuisance and is prohibited.

B. A dangerous structure is hereby declared to be a nuisance and is prohibited.

C. The accumulation of garbage or rubbish is hereby declared to be a nuisance and is prohibited.

D. The unreasonable, unwarrantable, or unlawful use of public or private property which causes, injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights is hereby declared to be a nuisance and is prohibited.

Section 03. Prohibited Activity

It shall be unlawful for any person or persons to cause, create or maintain a nuisance within the limits of the Township of Springfield, Bucks County, Pennsylvania or adjacent to the limits of the Township of Springfield such that the nuisance causes

injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his reasonable rights.

Section 04. Penalties

Any person found guilty of violating any of the provisions of this Ordinance in a summary proceeding before a Magisterial District Judge shall be fined not more than Three Hundred Dollars (\$300.00) plus costs for each and every offense or, upon default in payment of the fine and costs, by imprisonment in the Bucks County Prison for a period not to exceed ninety (90) days. Each day that such violation is continued after notice shall constitute a new and separate offense, punishable by like fine, penalty or imprisonment; and further notices to the offender shall not be required in order to constitute such continuances as an additional offense or offenses.

Section 05. Remedies of the Township

A. The Township shall have the right and authority to remove any dangerous structure on public or private property after a person is found guilty of violating the provisions of this Ordinance. Following a conviction, the Township shall provide thirty (30) days written notice to the owner or occupant to remove such nuisance. Upon default of the owner or occupant of such premises to remove such dangerous structure, the Township may remove the dangerous structure and collect the cost of same from the owner or occupant, by any legal means including filing a municipal lien, or by an action of assumpsit without the filing of a municipal claim.

B. With respect to all other nuisances, the Township shall have the right to institute proceedings in equity in the Court of Common Pleas to seek the removal of abandoned or junked vehicles and garbage or rubbish and to collect the cost of same from the owner or occupant, by any legal means including filing a municipal lien.

C. In addition thereto, Springfield Township shall have the right to institute proceedings in equity in the Court of Common Pleas to enforce all other terms and provisions of this Ordinance.

Section 06. Repealer

Ordinance No. 48 of Springfield Township is hereby specifically repealed. All other inconsistent provisions of all other Ordinances and Resolutions of Springfield Township, Bucks County, Pennsylvania are hereby repealed to the extent of the inconsistency. All other provisions of the Ordinances and Resolutions of Springfield Township, Bucks County, Pennsylvania shall remain in full force and effect.

Section 07. Severability

The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this Ordinance.

Section 08. Effective Date

This Ordinance shall take effect five (5) days from the date of enactment by the Springfield Township Board of Supervisors.

ORDAINED AND ENACTED into Ordinance this 28th day of October, 2008.

**Springfield Township
Board of Supervisors**

James C. Brown, Jr.
Chairperson

Barbara W. Kueltrick
Vice Chairperson

[Signature]
Member

K.M. Bedics
Member

[Signature]
Member

Attest:

Richard Shilling
Richard Shilling, Township Manager