

SPRINGFIELD TOWNSHIP
MERCER COUNTY, PENNSYLVANIA

ORDINANCE NO. 4 of 2001

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SPRINGFIELD TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, DEFINING NUISANCES PROVIDING FOR THE ABATEMENT OF NUISANCES RESULTING FROM THE STORAGE OF ABANDONED MOTOR VEHICLES, APPLIANCES, MACHINERY, EQUIPMENT, IN THE OPEN ON PRIVATE PROPERTY, DANGEROUS DILAPIDATED BUILDINGS, AND ACCUMULATIONS OF GARBAGE OR SIMILAR MATERIAL; AUTHORIZING INSPECTIONS, COMPLIANCE NOTICES AND APPEAL HEARINGS; REQUIRING THE REMOVAL, REPAIR, OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF SPRINGFIELD TOWNSHIP, MERCER COUNTY, PENNSYLVANIA AS FOLLOWS:

SECTION 1. **Definitions.** As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context. In this Ordinance, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

BUILDING- Shall include any structure intended for use as living quarters or human occupancy.

LESSEE – owner for the purpose of this Ordinance when the lessor holds the lessee responsible for maintenance and repairs.

NUISANCE - GENERALLY DEFINED. A nuisance consists in doing an unlawful act or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition, or thing either:

- (1) Annoys, injuries or endangers the comfort, repose, health or safety of others, or
- (2) Unlawfully interferes with, obstructs, or tends to obstruct, or render dangerous for passage any stream, public park, square, road or highway
- (3) In any way renders other persons insecure in life, of the use of property, or
- (4) Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property, or
- (5) Rendering or maintaining either impure, unwholesome or offensive any of the following: the air; the soil; any road; alley or sidewalk; any structure or premises; or any food or drink.

NUISANCE - SPECIFICALLY DEFINED. The following specific acts, omissions, places, conditions, and things, are hereby declared to be nuisances.

The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any road, avenue, alley, parkway, or other private or public place, in the Township, any one or more of the following disordered, disturbing, unsanitary, fly-producing, rat harboring, disease-causing places, conditions, or things, that is to say:

- (1) Any putrid, unsound, or unwholesome bones, meats, hides, skins, of the whole or part of dead animal, fish or fowl, garbage, or animal matter in any quantity.
- (2) Privies, vaults, cesspools, dumps, pits of like places which are not securely protected from flies or rats, or which are foul or malodorous.
- (3) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, trash, litter, rags, wire metal articles, bric-a-brac, broken cement, broken crockery, broken glass, broken plaster, and all such trash or abandoned material, unless the same may be kept in covered bins or receptacles or neatly piled.

- (4) Any building, or any unoccupied or partly destroyed building which exhibit one or more critical defects; or has a combination of intermediate defects in sufficient number to require extensive repair or rebuilding; or is of inadequate original construction. Critical defects are those which indicate continued neglect and serious damage to the structure, including conditions such as holes, open cracks or missing material over large areas of floors, walls or roofs; and structural sag in the floors, walls or roofs to the extent that all or a portion of the building may collapse. Inadequate original construction includes buildings built of make-shift materials.

OWNER – the actual owner, agent, or custodian of the property on which machinery, equipment or materials are stored, whether individual or partnership, association, or corporation.

PERSON – a natural person, firm, partnership, association, corporation, or other legal entity.

SECTION 2. Storage of Materials. It shall be unlawful for any person to store or maintain for a period greater than ten (10) days, abandoned, unused, stripped, damaged, and generally unusable appliances, machinery or equipment, or more than three (3) motor vehicles without either current registration or inspection, in the open on private property for a period exceeding ten (10) days unless meeting the performance standards of this Ordinance.

SECTION 3. Storage Requirements. Storage of such items as listed in Section 2 hereof on private property for a period greater than ten (10) days shall be permitted only in strict compliance with the regulations provided herein or with stricter regulations in accord with other Springfield Township ordinances, State or Federal laws. Nothing herein shall be construed to permit the storage of appliances, motor vehicles, machinery, equipment, or material nuisances contrary to the provisions of the Springfield Township Zoning Ordinance. Storage is permitted under the following circumstances :

- (1) In a manner in which all material is at least One Hundred (100) feet from any lot line, property line, or right of way, under the ownership of another individual, corporation or party.
- (2) In an enclosed structure or building.

- (3) Fully enclosed by an opaque fence at least six (6) feet in height.
- (4) Enclosed by a metal fence of at least eight (8) feet and buffered by a screening of evergreen plantings sufficient to fully and opaquely screen the fence from public view.

SECTION 4. Unoccupied Building Requirements. Every agent or owner of any unoccupied building in the Township shall keep the same securely closed at all times against persons who may enter and commit a nuisance therein. Broken or missing windows or doors, or missing sections of wall which would permit access shall be enclosed by permanently affixed boards.

SECTION 5. Inspection of Premises; Notice to Comply.

- 1. The Enforcement Officer is hereby empowered upon just cause to inspect private property on which appliances, motor vehicles, machinery, equipment, and/or various materials are stored or there are buildings which potentially meet the specific definition of nuisance to determine if there is compliance with the provisions of this Ordinance. If noncompliance with the provisions of this Ordinance constitutes a nuisance, or if any condition, structure, or improvement poses a danger to the health, safety, or welfare of the public, he shall issue a written notice to be served by certified mail upon the owner of said premises, or, if the owner's whereabouts or identify be unknown, by posting the notice conspicuously upon the offending premises.
- 2. Said notice shall specify the condition considered to be a hazard and/or nuisance and shall require the owner to commence to remove or otherwise rectify the condition as set forth in the notice within ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

SECTION 6. Authority to Remedy Noncompliance. If the owner of property on which appliances, motor vehicles, machinery, equipment, and/or materials are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, Springfield Township shall have the authority to take measures to correct the conditions and collect the cost of such corrections plus ten percent (10%) of all costs. Springfield Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

SECTION 7. Hearing.

1. Any person aggrieved by the decision of the Enforcement Officer may request and shall then be granted a hearing before the Springfield Township Appeals Board; provided, he files with the Township Secretary within ten (10) days after notice of the Enforcement Officer's decision, a written petition requesting such hearing and setting forth a brief statement of the grounds therefore. The hearing shall commence not later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.
2. After such hearing, the Board of Appeals shall sustain, modify, or overrule the action of the Enforcement Officer.

SECTION 8. Penalties. Any person, firm, entity or corporation who shall violate any provision of this Ordinance shall, be guilty of a summary offense and upon conviction thereof, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), and/or be sentenced to a term of imprisonment of up to thirty (30) days for each violations. Every day that a violation of this ordinance continues shall constitute a separate offense.

This ordinance may be enforced, in addition to any penalties forth herein or provided for under the law, by the Township in an action of equity in the court of Common Pleas of Mercer County Pennsylvania.

SECTION 9. Remedies not Mutually Exclusive. The remedies provided herein for the enforcement of this Ordinance, 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 Board of Supervisors.

SECTION 10. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specially repealed:

SECTION 11. Severability. 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 Board of 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 12. Effective Date. This Ordinance shall become effective January 2, 2001.

SPRINGFIELD TOWNSHIP ORDAINS AND ENACTS AND IT IS HEREBY ORDAINED AND ENACTED FINALLY INTO LAW BY THE BOARD OF SUPERVISORS OF SPRINGFIELD TOWNSHIP THIS 17th DAY OF DECEMBER, 2001.