

**SPRINGFIELD TOWNSHIP,
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2013-03

**AN ORDINANCE OF SPRINGFIELD TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, PROHIBITING THE MAINTENANCE OR OCCUPANCY OF A
DANGEROUS STRUCTURE WITHIN SPRINGFIELD TOWNSHIP AND
PRESCRIBING REMEDIES AND PENALTIES FOR THE SAME**

WHEREAS, Springfield Township (Township) is an authorized second class township existing under the laws of the Commonwealth of Pennsylvania; and,

WHEREAS, Section 1533 of the Pennsylvania Second Class Township Code (53 P.S. §66533) authorizes Second Class Townships to regulate dangerous structures within the Township and impose remedies and penalties for violations thereof; and,

WHEREAS, the Township has determined that the existence of dangerous structures pose a threat to residents and property in the Township; and,

WHEREAS, the Township deems it appropriate to enact an ordinance to allow the Township to repair, remove or have removed dangerous structures to protect the health, safety and welfare of its residents and property within the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED AND IT IS ENACTED AND ORDAINED by the Board of Supervisors of York County, Pennsylvania as follows:

SECTION 1. DANGEROUS STRUCTURES PROHIBITED. No person shall occupy or maintain any structure within the Township, which is dangerous, unsafe, or a menace to the health, safety or welfare of any person or property within the Township.

SECTION 2. DEFINITIONS. For purposes of this ordinance, the following words and phrases shall have the meanings set out thereafter:

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

B. "Dangerous Structure" means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. Inadequate means of ingress and/or egress in case of fire or panic, including, but not limited to, doors, aisles, passageways, stairways or fire escapes which do not conform to the Township Building Code and poses a foreseeable immediate threat to persons or property.

2. A portion of a building or structure that is damaged by fire, wind, flood or other cause so that the structural strength or stability is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Township Building Code.
3. A portion of a building or structure that is likely to fall, become detached or dislodged, or collapse injuring persons or damaging property.
4. A building or structure that has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Township Building Code.
5. A building or structure that is damaged by fire, wind, or flood, or is otherwise dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or unlawful act.
6. A building or structure that is used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of the occupants or the general public.
7. A building or structure that is vacant, dilapidated, and open at a door or a window, leaving the interior of the building exposed to the elements or accessible to entrance by any non-owners or non-occupiers.
8. A building or structure whose roof, interior walls or other structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
9. A building or structure which, exclusive of the foundation, shows 33 percent or more damage or deterioration of the supporting member or members or 50 percent damage or deterioration of the non-supporting enclosing or outside walls or covering.
10. A building or structure which has improperly distributed loads upon floors or roofs or in which the floors or roofs are overloaded, or which have insufficient strength to be reasonably safe for the purpose intended.
11. The Section 3 B (2-10) defects or conditions set out immediately above, may be exclude as a dangerous structure if, after considering all circumstances, the Township determines it does not yet warrant such designation, which determination may change depending on circumstances

12. A defect or condition that is not yet a dangerous structure does not preclude a finding of a nuisance pursuant to the Springfield Township Nuisance Ordinance of 2013.

SECTION 3. NOTICE. The Township may, but is not required to issue a Notice on any structure that a complaint is filed with the Township reporting or alleging the structure to be a dangerous structure as follows:

- A. The Township Board of Supervisors, Building Code Official or Zoning Officer may issue a Notice if a building, structure or adjoining grounds is deemed to be a dangerous structure.
- B. The Notice, if given, shall be sent by certified mail, return receipt requested or served personally on each owner of the property or party in interest as appearing on the last local tax assessment records of the Township by handing a copy of the Notice to the person at the property or affixing the Notice conspicuously on the front door of the structure. Any removal of such attached Notice shall not negate the effectuation of Notice. If the Township sends Notice by certified mail and at the same time sends by first class mail, postage prepaid, a copy of the Notice to the owner or party in interest and the certified letter is returned as undeliverable or refused but the first class mail Notice is not returned, service shall be presumed on the third day after mailing of the letters.
- C. The Notice shall specify the structure, the alleged dangerous aspect of the structure and a time limit within which to repair or remove the alleged dangerous structure, provided, in the absence of an emergency, the time limit shall not be less than twenty (20) days from the date of the Notice.
- D. If the owner or party in interest fails to reply to the Notice, the structure shall be deemed a dangerous structure and the Township may repair, remove, demolish or alter the structure or adjoining lands at the Township's expense and seek recovery of any costs thereof, including reasonable attorney fees as provided hereafter.
- E. If the owner or party in interest disputes the Notice alleging the structure at issue is dangerous, such person or entity shall file an appeal within twenty (20) days of the date of the Notice by requesting a hearing and pay a non-refundable deposit of \$600.00 to the Township for the costs of said hearing. If the actual cost of the appeal is greater than \$600.00, the applicant shall pay any additional cost or such unpaid additional cost shall be added to the municipal lien when filed. An appeal hearing shall be held before the Township Board of Supervisors. The appeal is not perfected until the deposit aforesaid is paid to the Township. The Township Board of Supervisors shall set a date, time and place for a public hearing and advertise the same as it would a special meeting before the Township Board of Supervisors on the limited issue of whether the building, structure or adjoining grounds is a dangerous structure at which hearing the person to whom the notice is addressed will have the opportunity to show cause why the Township Board of

Supervisors should not order the building, structure or adjoining grounds to be demolished or otherwise made safe or properly maintained.

- F. After the public hearing the Township Board of Supervisors may order the structure repaired or removed, or adjoining grounds remedied by giving notice to the owner or party in interest detailing in what respects the building, structure or adjoining grounds is a danger to the public and requiring the owner or party in interest to alter, demolish or remove the building or structure or maintain the adjoining grounds. The notice shall state a reasonable time, not to exceed thirty (30) days within which such alterations, demolition or repairs must be completed. The Notice may also specify a time within which work is to be started.

SECTION 4. ABATEMENT. If, at the expiration of any time limit in the Notice or Order, the owner or party in interest has not complied with the requirements of the Notice, the Township Board of Supervisors, in its discretion, may move to carry out the requirements of the Notice or Order by contracting with an individual or company to abate the dangerous structure by demolition, making safe or maintaining the exterior of the building, structure or adjoining grounds.

SECTION 5. EMERGENCY ABATEMENT. The Township Board of Supervisors or Township Building Inspector, may authorize immediate abatement of any dangerous building, structure or adjoining grounds, if the public safety requires immediate action to protect the public's health, safety and welfare.

SECTION 6. NOTICE OF COSTS. The owner or party in interest in whose name the property is held according to the last local tax assessment records shall be notified by the Township Solicitor of the amount of the costs of the demolition; making the building or structure safe; maintaining the exterior of the building or structure; or maintaining the adjoining grounds, by first class mail at the address shown on the Township tax records. Costs or Actual Costs hereunder shall include the costs of inspection by the Building Code Official and/or Township Engineer, filing fees, witness fees, expert witness fees, stenographer fees, any other hearing costs and reasonable attorney fees.

SECTION 7. REIMBURSEMENT OF COSTS. The actual costs of the demolition; making the building or structure safe; of maintaining the exterior of the building or structure; or maintaining the adjoining grounds, incurred by the Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property is held.

SECTION 8. LIEN FOR UNPAID COSTS. If the owner or party in interest fails to pay the costs within one (1) month after mailing by the Township Solicitor of the notice of the amount of the costs, the Township shall have a municipal lien for the costs incurred by the Township to bring the property into conformance with this Ordinance. The lien shall be effective immediately as to the Owner but shall not take effect as to third parties until the lien has been filed or recorded as provided by law and shall have priority over previously filed or

recorded liens and encumbrances.

SECTION 9. COURT JUDGMENT FOR UNPAID COSTS. In addition to other remedies under this Ordinance, the Township may bring an action against the owner of the building or structure for the full cost of demolition pursuant to Section 3601 of the Second Class Township Code (53 P.S. §68601) along with costs of prosecution; making the building or structure safe; maintaining the exterior of the building or structure; or maintaining the adjoining grounds. The Judgment when filed in the Prothonotary's Office of York County, Pennsylvania and/ or in the County of the defendant's domicile shall be enforceable as a Judgment Lien.

SECTION 10. ENFORCEMENT OF JUDGMENT. A judgment in an action brought pursuant to this ordinance may be enforced against assets of the owner other than the building or structure.

SECTION 11. LIEN FOR JUDGMENT AMOUNT. The Township shall have a lien for the amount of a judgment obtained pursuant to this Ordinance against the owner's interest in all real property located in the county where the judgment is recorded that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained.

SECTION 12. SANCTIONS FOR NONCONFORMANCE WITH TOWNSHIP NOTICE. Any person or other entity who fails or refuses to respond or comply with a Notice issued by the Township Board of Supervisors or fails to comply with an Order of the Township after an appeal hearing pursuant to this Ordinance within the time prescribed in the Notice or Order is responsible for a summary offense and a fine of not more than \$1000.00 plus costs which may include all direct or indirect expenses to which the Township has been put in connection with the violation. Each day a violation of this Ordinance continues shall constitute a separate and distinct violation. The summary offense procedure shall be as set forth in section 1601 of the Pennsylvania Second Class Township Code (53 P.S. §66601)

SECTION 13. OTHER REMEDIES UNAFFECTED. In the event the Township has any other remedy available to it to under any other ordinance, law or regulation, such remedy shall not be affected by this ordinance.

SECTION 14. REPEAL OF CONFLICTING ORDINANCES. All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

SECTION 15. SEVERABILITY. This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected by such determination.

SECTION 16. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after enactment by the Township Board of Supervisors.

ENACTED AND ORDAINED into law this 13 day of May, 2013.

ATTEST:

SPRINGFIELD TOWNSHIP
BOARD OF SUPERVISORS

Barbara E. Sweitzer
Barbara E. Sweitzer, Secretary

E. Lamar Lehman
E. Lamar Lehman, Chairman

A. Carville Foster
A. Carville Foster, Vice Chairman

Tommy L. Wolfe
Tommy L. Wolfe, Supervisor