

**SPRINGFIELD TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SPRINGFIELD TOWNSHIP, YORK COUNTY, PENNSYLVANIA, PROHIBITING NUISANCES ON PUBLIC OR PRIVATE PROPERTY WITHIN THE TOWNSHIP AND REQUIRING THE REMOVAL OR ABATEMENT THEREOF AFTER NOTICE TO THE OWNERS TO DO SO, AND IN DEFAULT THEREOF, ALLOWING REMOVAL *OR ABATEMENT* BY THE TOWNSHIP AND COLLECTION OF THE COSTS OF SUCH REMOVAL BY THE TOWNSHIP BY A MUNICIPAL LIEN OR OTHERWISE, DECLARING VIOLATIONS OF CERTAIN ORDINANCES OR LAWS AS A NUISANCE *AND PROHIBITING FIREWORKS BETWEEN CERTAIN HOURS, AND PRESCRIBING PENALTIES FOR VIOLATION.*

WHEREAS, Springfield Township (“Township”) is a duly authorized second class township under the laws of the Commonwealth of Pennsylvania; and,

WHEREAS, the Board of Supervisors of Springfield Township, York County, Pennsylvania deem it to be in the best interests and general welfare of the citizens and the residents of the Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, hurt, inconvenience, annoyance or discomfort or demonstrates the existing potential for such injury, damage or hurt, to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, Sections 1506 and 1529 of the Pennsylvania Second Class Township Code (53 P.S. §66506 and §66529) authorizes Townships of the Second Class to prohibit nuisances, to remove same and to impose penalties therefore.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained by the Board of Supervisors of Springfield Township, York County, Pennsylvania, as follows:

SECTION 1. NAME: This ordinance shall be known as the “Springfield Township Nuisance Ordinance of 2013.”

SECTION 2. DEFINITIONS: For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning 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.

A. "Township" is the Township of Springfield which is located within the confines of York County, Pennsylvania.

B. "Board of Supervisors" is the Board of Supervisors of Springfield Township, York County, Pennsylvania.

C. "Owner" is a person owning, leasing, occupying or having charge of any premises within the Township.

D. "Person" is any natural person, firm, partnership, association, corporation, company, club, co-partnership, society, any legal entity or any organization of any kind.

E. "Vegetation" is any grass, weed or vegetation whatsoever, which is not edible or planted for some useful, legal or ornamental purpose.

F. "Nuisance" is the unreasonable, unwarrantable, or unlawful use of public or private property which causes public injury, damage, hurt, inconvenience, annoyance or discomfort or demonstrates the existing potential for such injury, damage or hurt, to any person, resident or property in the legitimate enjoyment of his reasonable rights of a person or property. This ordinance is intended to protect the public at large from conditions, acts and activities that constitute a nuisance of which a complainant may be a member of such public.

G. "Abandoned or Junked Motor Vehicles" is any vehicle that is one (1) of the following:

1. is not in a serviceable condition; or,

2. does not have a current inspection sticker and a current registration; or,
3. is not operable and left on public property for 48 hours; or,
4. illegally remains on public property for 48 hours; or,
5. is left on private property without consent of the owner or person in control of the property for 48 hours; or,
6. is without value except as junk or scrap material.

SECTION 3. NUISANCES DECLARED ILLEGAL: Nuisances, including, but not limited to the following, are hereby declared to be illegal:

A. Storing or Accumulating the following:

1. Garbage, ashes, refuse or rubbish.

(a) Garbage: Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce. It shall be unlawful to place or permit to remain anywhere in the township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container or impervious bag designed for such material and collection; excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood. It shall be unlawful to any person to store more than seven (7) days of garbage as defined by this ordinance which may pose a potential health and safety problem to the community regardless of bagging or other containment.

(b) Refuse/rubbish: Uncontained combustible trash, including paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, leaves, wood furniture, bedding; noncombustible trash, including metals, tin cans, metal furniture, dirt, small quantities of rock, unused and unusable construction materials and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including street sweeping; dirt, catch-basin dirt, contents of litter receptacles.

Any contained refuse/rubbish must be removed within seven (7) days. Provided, refuse shall not include clean earth from building operations, nor shall it include leaves, cornstalks, stubble or other vegetable material generated in the course of harvesting agricultural crops. It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the township excepting in a covered container, provided such container is removed within 14 days.

(c) Ashes: Residue from fire used for cooking and for heating buildings.

2. Junk Material, including, but not limited to, unused or abandoned machinery, equipment or appliances, and all forms of waste and refuse of any type of materials, including unused construction materials, scrap metal, glass, industrial waste and other materials, whether salvageable or not, unless legally maintained for resale.

B. Storing or accumulating abandoned or junked motor vehicles or parts thereof. This provision shall not apply to a legally existing automotive repair garage or junk yard so long as such uses are in compliance with the Township Zoning Ordinance.

C. Storing or accumulating more than three (3) antique or collector motor vehicles for restoration which are neither sheltered by a building, or enclosed behind an evergreen or solid fence as permitted by applicable zoning ordinances pertaining to screening; or storing or accumulating in a non-orderly fashion three (3) or less antique or collector motor vehicles for registration.

D. Draining or flowing, or allowing to drain or flow, by pipe or other channel, whether natural or artificial, any foul or offensive water or drainage from sinks, bathtubs, washstands, lavatories, water closets, swimming pools, privies, or cesspools of any kind or nature whatsoever, or any foul or offensive water or foul or offensive drainage of any kind, from property along any public highway, road, street, avenue, lane or alley or from any property into or upon any adjoining property.

E. Draining or flowing, or allowing to drain or flow, any water or drainage from within dwelling situate upon property along public highway, road, street, avenue, lane, or alley in the

Township into or upon the cartway or traveled portion for said drainage by means of a drainage ditch or otherwise.

F. Burning of tires, tar products or wet garbage that smolders.

G. Maintaining or causing to be maintained, any dangerous structure, including but not limited to, buildings or parts of buildings in a state of dilapidation or disrepair so as to pose a threat to persons or property, whether or not vacant or unattended.

H. Permitting the growth of any weeds, noxious weeds, or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, to conceal any rubbish, garbage, trash or any other violation of this ordinance.

I. Permitting or allowing any well or cistern to be, or remain, uncovered.

J. Pushing, shoveling or otherwise depositing snow upon the public right-of-way, the shoulder, cartway or traveled portion of any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania, and allowing same to remain thereon.

K. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street, or road, to remain opened or exposed without the same being secured by a barricade, temporary fence, or other protective materials.

L. Unpermitted interference with the flow of a stream, creek or other waterway, by means of dam construction or otherwise, or removing the embankment of a stream so as to alter the natural flow of the stream.

M. Pushing, raking, or otherwise depositing leaves, grass clippings or other vegetative materials upon the right-of-way, or any public highway, road or street which is maintained by the Township or by the Commonwealth of Pennsylvania and/or allowing the same to remain thereon.

N. Defacing Public and Private Property: It shall be unlawful for any person acting independently or under the direction of the principal to deface any private or public buildings, structures, signs, banners, or vehicles within the township. Examples of defacing shall include but

not be limited to the following examples; application of paint, inks and dyes; affixing of any printed materials such as signs or posters; destruction or removal; defacing in any manner.

O. Discharge of Fireworks – After 10:00 o'clock PM and before 8:00 o'clock AM it shall be a nuisance if any person or legal entity discharges or ignites any combustible or explosive composition or any substance or combination of substances which is intended to produce a visible or audible effects by combustion, provided if the party discharging the fireworks has a valid license (if required) and Township permit to do so..

P. Violation of the Pennsylvania Fireworks Law – Any violation of the Pennsylvania Fireworks Law, Act 43 of 2017, shall be a violation of this Nuisance Ordinance.

Q. Violations of Ordinances – The violation of any Township ordinance, as amended from time to time, ordained and enacted for the health, safety, and welfare of the Township and/or its citizens, including, but not limited to:

- 1. The Springfield Weed Ordinance; or,
- 2. The Springfield Township Open Burning Ordinance; or,
- 3. The Springfield Township Flood Plain Ordinance; or,
- 4. The Springfield Township Storm Water Management Ordinance; or,
- 5. The Springfield Township Illicit Discharge Detection and Elimination of Illicit Discharge; or,
- 6. The Springfield Township Dangerous Structure Ordinance.

SECTION 4. WRITTEN NOTICE TO VIOLATORS REQUIRED: Whenever a condition constituting a nuisance develops or is maintained, the Board of Supervisors shall cause written notice to be served upon the owner in one of the following manners:

- A. By making personal delivery of the notice to the owners; or

B. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or

C. By fixing a copy of the notice to the door at the entrance of the premises whereat the violation exists; or

D. By mailing a copy of the notice to the last known address of the owner by certified mail and first class postage prepaid, service will be presumed on the third day following mailing if the certified mail is returned undelivered but the first class mail is not; or

E. By publishing a copy of the notice one (1) time in a local newspaper of general circulation within York County, Pennsylvania.

F. Such notice shall set forth in what respect such condition constitutes a nuisance, whether removal is necessary and required by the Township, or whether the situation can be corrected by repairs, alterations or by fencing or boarding, or in some way confining and limiting the nuisance. Such notice shall require the owner to commence action in accordance with the terms thereof within twenty (20) days and thereafter, to comply fully with its terms with reasonable dispatch, with all material to be supplied and work to be done at the owner's expense; provided, however, if any of the provisions of Section 3 (F),(G),(I), (J) , or (K) is violated, and if the circumstances require immediate corrective measures, such notice shall require the owner to immediately comply with the terms thereof.

G. If after notification, the owner does not contact the Township within the twenty (20) days referred to in section 4 (A) above, or within the time given for immediate corrective action, or remove or correct the nuisance in a manner acceptable to the Township, the Township may presume the owner agrees with the designation of the condition as a nuisance by the Township.

SECTION 5. PENALTY FOR VIOLATION: This Ordinance regulates building, housing, property, maintenance, health, fire, public safety, air or noise pollution, and shall be enforced pursuant to Section 1601 of the Pennsylvania Second Class Township Code (53 P.S. 66601) or,

alternatively, pursuant to Section 3601 of the Pennsylvania Second Class Township Code (53 P.S. §68601);

A. Enforcement thereof may be by an action before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Civil Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 83(c) (relating to trial and summary cases). The Board of Supervisors hereby set a criminal fine in the amount of One Thousand (\$1,000.00) Dollars per violation, plus the costs of prosecution, including reasonable attorney's fees, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than Ten (10) days, provided, further, that each day's continuance of a violation shall constitute a separate and distinct violation. Alternatively, enforcement may be pursuant to Section 3601 of the Pennsylvania Second Class Township Code (53 P.S. §68601).

B. The Board of Supervisors may direct the removal, repair, or alterations, as the case may be, to be done by the Township and to certify the costs thereof to the Township Secretary and the Township Solicitor. The cost of such removal, repairs or alterations shall be a municipal lien upon such premises from the time of such removal, cutting, repairs and alterations which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary and the Township Solicitor. The Township Solicitor may file a municipal lien in the York County Prothonotary's office after one (1) month notice to the Owner to pay such costs.

C. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.

SECTION 6. SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED this 13 day of May, 2013.

ATTEST:

SPRINGFIELD TOWNSHIP
BOARD OF SUPERVISORS

Barbara E. Sweitzer /s/
Barbara E. Sweitzer, Secretary

By: E. Lamar Lehman /s/
E. Lamar Lehman, Chairman

A. Carville Foster /s/
A. Carville Foster, Vice Chairman

Tommy L. Wolfe /s/
Tommy L. Wolfe, Supervisor

AMENDMENT ENACTED AND ORDAINED on December 3, 2018 by Springfield Township Ordinance No. 2018-05 (in italics) effective five days after amendment enacted.

ATTEST:

Barbara E. Sweitzer
Barbara E. Sweitzer, Secretary

SPRINGFIELD TOWNSHIP
BOARD OF SUPERVISORS

Tommy L. Wolfe
Tommy L. Wolfe, Chairman

Adam E. Sweitzer
Adam E. Sweitzer, Vice Chairman

Walter P. Reamer
Walter P. Reamer, Supervisor