

SPRING TOWNSHIP
PERRY COUNTY, PENNSYLVANIA

Ordinance No. 2017-03

AN ORDINANCE ESTABLISHING PUBLIC NUISANCE FOR DISCHARGE
OF STORMWATER, SILT, SEDIMENT OR OTHER DEBRIS ONTO SPRING
TOWNSHIP ROADS

WHEREAS, the Board of Supervisors of Spring Township, Perry County, Pennsylvania is desirous of creating an Ordinance to prevent continued discharge of stormwater, sediment, soil, dirt and other debris onto the Township roads within Spring Township, and;

WHEREAS, the Township Supervisors wish to make such discharge a public nuisance due to the health, welfare and safety issues caused by such discharge onto the public roadway.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Spring Township, Perry County, Pennsylvania, as follows:

SECTION 1. Definitions.

As used in this chapter the following terms have the following meanings indicated;

- A. **Person** -- an individual, firm, partnership, corporation or any other legal entity.
- B. **Public Street or Roadway** -- any roadway, whether state or municipally owned, maintained or operated, excluding private property, private lanes, easements and driveways.

SECTION 2. Activities or Conditions Constituting Nuisance.

The following activities or conditions are hereby declared to be nuisances and are prohibited:

- A. Directing or discharging any stormwater, sediment, gravel, dirt or other debris onto a public street or roadway.
- B. Allowing for the continual drainage or discharge of stormwater, gravel, dirt or other debris onto a public roadway without correcting or resolving the problem after the first event in which such activity or condition has occurred.

SECTION 3. Unlawful to Maintain Nuisance.

It is hereby declared to be unlawful for any person having any interest in any land in Spring Township or being present in Spring Township to engage in any activities constituting a nuisance as defined herein or permit the existence of any condition constituting a nuisance. Each five (5) day continuance of violation of the provisions of this Chapter shall constitute a separate offense.

SECTION 4. Notice of Violation.

It shall be the duty of the Township, its agent or agents, upon a complaint of citizens or property owners or upon visual confirmation to investigate the alleged nuisance and if the nuisance exists, to notify the person allegedly in violation. Notification shall provide the following information:

- A. Notification that a nuisance exists for which the person is believed to be responsible.
- B. A description of the location and nature of the alleged nuisance.
- C. That the nuisance must be abated or removed by that person within five (5) days of receipt of the notice.
- D. That failure to comply with the directions of the Township may result in the abatement or removal of the nuisance by the Township or its authorized representative. The cost of said removal or abatement shall be assessed against the violator, together with an additional ten percent (10%) of such cost to be collected by summary proceedings or in the manner provided for the collection of municipal claims or in an action of assumpsit without the filing of complaint. Provided, however, that the imposition of such cost and additional amount may be in addition to any other penalty provided in this Chapter. In addition to these amounts, the municipality may also collect actual attorney's fees incurred.

SECTION 5. Violation and Penalties.

Any person who violates or permits a violation of this Ordinance shall, upon conviction in a summary proceeding brought before the Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than One Thousand Dollars (\$1,000) plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not to exceed thirty (30) days. Each five (5) day continuance of violation of this provision shall constitute a separate offense and each Section of this Chapter that is violated shall also constitute a separate offense. The Board of Supervisors is, likewise, empowered to initiate proceedings in courts of equity to collect any funds utilized in abatement or removal of such nuisance and prevent the nuisance from further occurring.

SECTION 6. Repealer.

All other provisions of the Code and its underlying Ordinances, so far as they are the same as those Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or pro-section pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

SECTION 7. Severability.

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence,

clause or part of this Ordinance or other Ordinances affected by this Ordinance, it being the intent of Spring Township that such remainder shall be and shall remain in full force and effect. All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same are expressly repealed.

SECTION 8: Effective Date.

This Ordinance shall become effective by operation of law pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania.

ADOPTED AND ORDAINED this _____ day of _____, 2017 by the Board of Supervisors of Spring Township, Perry County, Pennsylvania.

ATTEST:

SPRING TOWNSHIP
BOARD OF SUPERVISORS

Township Secretary

Doug Wentzel, Chairman

David McLaughlin, Supervisor

Jesse Singleton, Supervisor

CERTIFICATE

I, the undersigned, Secretary of Spring Township, Perry County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on _____, 2017; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this _____ day of _____, 2017.

(SEAL)

Secretary