

ORDINANCE NO: 2024 - 02

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BRISTOL, CHAPTER 134 NUISANCES TO AUTHORIZE THE TOWNSHIP TO SEEK AN ADMINISTRATIVE SEARCH WARRANT TO ENTER UPON PROPERTIES

WHEREAS, the Council of the Township of Bristol is empowered to adopt Ordinances of the Township pursuant to the Pennsylvania First Class Township Code, 53 P.S. § 56502; and

WHEREAS, the Pennsylvania First Class Township Code authorizes Bristol Township to adopt rules and regulations concerning the maintenance of property and abatement of nuisances, 53 P.S. §§ 58104-A, 58105-A; and

WHEREAS, the Council of the Township of Bristol finds the regular inspection of recovery homes is necessary and in the interests of the public health, safety and general welfare of the public and the residents of recovery homes located within the Township of Bristol;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE TOWNSHIP OF BRISTOL:

1. Section 134-8 "Abatement by Township" is amended to include the following new Subsections C through E:

C. In the event the appropriate Township official cannot gain access to the property, the Township official may apply to a judge of the Magisterial District Court for an administrative search warrant to enter the premises to conduct the necessary inspection to determine if the nuisance has been properly abated as required by this Chapter. Before filing an application for an administrative search warrant with a court, the Township official shall obtain approval by the Township Solicitor as to its legality in both form and substance under the standards and criteria of this section, and a statement to this effect shall be included as part of the application.

D. The application for an administrative search warrant shall be in writing and sworn to by the applicant and shall particularly describe the property to be inspected and the nature, scope and purpose of the inspection to be performed under this Chapter.

The applicant shall demonstrate how/ when they attempted to access the property and were denied the appropriate access. A judge of a court referred to in this section may issue the warrant on finding that:

- (1) The applicant has sought access to the property for the purpose of making an inspection; and
 - a) After requesting, at a reasonable time, the owner, tenant or other individual in charge of the property to allow access, has been denied access to the property; or
 - b) After making a reasonable effort, the applicant has been unable to locate any of these individuals.
 - (2) The Township official is authorized by law to make an inspection of the property for which the warrant is sought.
 - (3) Probable cause for the issuance of the warrant has been demonstrated by the applicant by specific evidence of an existing violation of any provision of this Chapter and conviction from a Magisterial District Court and/ or the Bucks County Court of Common Pleas or by showing:
 - a) That a reasonable administrative inspection program exists regarding the condition of the property; and
 - b) That the proposed inspection comes within that program.
 - (4) An administrative search warrant issued under this section shall specify the place, structure, premises, vehicle or records to be inspected. The inspection conducted may not exceed the limits specified in the warrant.
 - (5) An administrative search warrant issued under this section authorizes the applicant and other officials or employees of the Township to enter specified property to perform the inspection, sampling and other functions authorized by law to determine compliance with provision of this Code.
 - (6) An administrative search warrant issued under this section shall be executed and returned to the judge by whom it was issued within:
 - a) The time specified in the warrant, not to exceed 30 days; or
 - b) If no time period is specified in the warrant, 15 days from the date of its issuance.
- E. Upon execution of the administrative search warrant, if the Township official discovers the nuisance has not been abated, the Township official may cause the nuisance to be abated in conformity with the provisions of this Chapter.

2. All provisions of the Code of the Township of Bristol inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency or conflict.
3. The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council of the Township of Bristol that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.
4. This Ordinance shall become effective immediately.

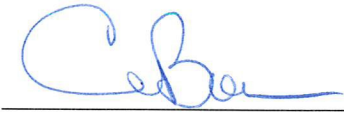
ORDAINED AND ENACTED this 15 day of February , 2024.

Attest:



Amy Siefker,
Secretary

COUNCIL OF THE
TOWNSHIP OF BRISTOL

By: 

Craig Bowen,
Council President

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance enacted by the Bristol Township Council on February 15, 2024.





Amy Siefker, Secretary