

**Chapter 40**  
**BUILDINGS, DANGEROUS**

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| § 40-1. Definitions.                             | § 40-6. Posting of notice; removal prohibited.                            |
| § 40-2. Inspection; reports.                     | § 40-7. Occupancy of dangerous building prohibited; removal of occupants. |
| § 40-3. Notice of violation.                     | § 40-8. Violations and penalties.   |
| § 40-4. Failure to comply; work done by borough. |   |
| § 40-5. Recovery of costs.                       |   |

**[HISTORY: Adopted by the Borough Council of the Borough of Heidelberg 9-20-1994 by Ord. No. 505, approved 9-20-1994. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Property maintenance — See Ch. 86.**

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**§ 40-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BUILDING** — An independent structure having a roof supported by columns or walls resting on its own foundation, and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

**DANGEROUS BUILDING** — All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that the structural integrity of the building is threatened.
- B. Those which, exclusive of the foundation, show substantial damage or deterioration to the support member or members or damage or deterioration to 50% of the nonsupporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.
- E. Those which are so damaged, dilapidated, decayed, unsafe, unsanitary, vermin infested or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to

work injury to the health, safety or general welfare of those living therein or to surrounding parties.

- F. Those which have parts thereof which are so attached that they may fall and injure property or members of the public.
- G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.
- H. Those which because of their location are unsanitary or otherwise dangerous to the health or safety of the occupants of the public.
- I. Those existing in violation of any provision of the Building Code, Fire Prevention Code or other ordinances of the borough.
- J. Those which have been inspected by the Fire Department and found to be fire hazards by reason of age, condition, dilapidation, obsolescence or abandonment.
- K. Those which have been abandoned and may attract children, vagrants, vandals or other trespassers.

OWNER — A person who, alone or jointly or severally with others:

- A. Shall have legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or
- B. Shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner or as executor, executrix, administrator, administratrix or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PERSON — Any individual, firm, corporation, association or partnership or other legal entity.

PROPERTY — A piece, parcel, lot or tract of land.

STRUCTURE — Anything constructed or erected with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks.

#### **§ 40-2. Inspection; reports.**

The Borough Building Inspector is authorized to, and upon direction by the Council will, inspect all buildings and structures within the borough in order to determine whether they are dangerous buildings.

- A. The Building Inspector is authorized and directed to request the Borough Police Chief and the Chief of the borough's local fire company to inspect such buildings.

- B. The Building Inspector shall make a written report of his inspection and shall obtain written reports from the Police Chief and the fire company Chief following their inspections.
- C. The Building Inspector shall review all available reports and make a determination as to whether the building is a dangerous structure.

### § 40-3. Notice of violation.

If the Building Inspector determines the building to be a dangerous building, he shall issue a dated, written notice requiring repair or removal of the building within a specified deadline.

- A. The notice shall state the reasons why it is issued.
- B. If the notice permits repair, it shall state the repairs required.
- C. The notice shall also contain the following:

“The Building Inspector of the Borough of Heidelberg has determined the structure described herein to be a dangerous building and a nuisance and has required said structure to be repaired or removed within 60 days of the date of this notice. Unless a hearing is requested as set forth below, this determination shall become final 30 days after the date of this notice.

“Any party who may feel aggrieved by said determination requiring removal or repair of said structure may contest the determination by requesting a hearing before the Borough Council pursuant to the Local Agency Law.<sup>1</sup> All requests for hearings must be in writing and must be filed with the Borough Secretary within 30 days of the date that this notice was posted or mailed to the owner. Failure to file a request for hearing as set forth above may result in the loss of any opportunity to contest the determination that the structure is a dangerous building and a nuisance which must be repaired or removed.”

- D. The notice may set forth a repair or removal deadline of less than 60 days and an appeal period of less than 30 days if the Building Inspector finds that shorter appeal period is necessary to protect the occupants or public from the nuisance posed by the dangerous building.
- E. The notice will require that building removal be done in accordance with the Borough Technical Specifications for Demolition attached to this chapter as Exhibit A.<sup>2</sup> A copy of such specifications shall be attached to the notice.
- F. The notice will state, in large capital letters, “Occupancy of this building is prohibited by law, effective from the date of this notice.”
- G. The notice shall be given in writing by registered or certified mail, return receipt requested, to the last known address of the owner and occupants of said structure and shall also be posted upon the property declared to have a nuisance erected thereon. Notice shall be deemed to have been given on the date of mailing or, where no address is known or where

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<sup>1</sup> Editor’s Note: See 2 Pa.C.S.A. §§ 105, 551 et seq. and 751 et seq.

<sup>2</sup> Editor’s Note: Exhibit A is on file in the office of the Borough Secretary.

such notice is not delivered or accepted, on the day when posted on the property. A copy of such notice shall likewise be given to any mortgagee, lessee or occupant of the property.

**§ 40-4. Failure to comply; work done by borough.**

If, after notice is given and a hearing, if requested, is held resulting in a determination that the structure is a nuisance and if said structure is not repaired or removed within the time limits prescribed by such notice, the proper borough officials are hereby authorized to advertise for bids for repair or for demolition of such structure and the restoration of the land to its natural state, in accordance with the Technical Specifications attached to this chapter,<sup>3</sup> and to enter into a contract with the lowest responsible bidder; or, if feasible, the work may be done in whole or in part by borough employees. The proper officials are also authorized to enter, inspect, photograph and inventory said structure prior to demolition.

**§ 40-5. Recovery of costs.**

The proper officials and the Solicitor are hereby authorized and directed to file a municipal claim against the lot or lots appurtenant to any structure caused to be razed by the Borough of Heidelberg in connection therewith for the costs incurred in connection with the razing of such structure, together with a penalty of 10% as provided by law, or said costs and expenses may be collected by action in assumpsit against the owners of said dangerous structure.

**§ 40-6. Posting of notice; removal prohibited.**

A copy of the notice of repair or removal shall continue to be posted on the building until it is demolished. Removal of such notice is prohibited, except by the Building Inspector.

**§ 40-7. Occupancy of dangerous building prohibited; removal of occupants.**

No person is permitted to occupy a dangerous building. The proper officers of the borough are authorized to remove any occupant from a dangerous building, along with his/her possessions. The costs of removal of persons and possessions, including, without limitation, reasonable attorney's fees incurred by the borough and of storage of possessions shall be recoverable under § 40-5 hereof.

**§ 40-8. Violations and penalties.**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000 and in default of payment thereof to undergo imprisonment for a term not to exceed 30 days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.

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<sup>3</sup> Editor's Note: Said Technical Specifications are on file in the office of the Borough Secretary.