

CHAPTER 4

BUILDINGS

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PART 1

DANGEROUS STRUCTURES

§101. DEFINITIONS.

1. As used in this Part, 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 which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members, or damage or deterioration to 50% of the nonsupporting enclosing or outside walls or covering.
- B. 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.
- C. 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.
- D. Those which have parts thereof which are so attached that they may fall and injure property or members of the public.
- E. Those which because of their location are unsanitary or otherwise dangerous to the health or safety of the occupants or the public.

DWELLING - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT - any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

EXTERMINATION - control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible, materials that may

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serve as their food, poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

GARBAGE - animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - presence, within or around a dwelling, of any insects, rodents or other pests.

OWNER - 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 Part 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.

RUBBISH - combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

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.

2. Whenever the words "dwelling," "dwelling unit," or "premises," are used in this Part, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. 1999-01, 1/21/1999)

§102. DANGEROUS BUILDINGS DECLARED NUISANCES.

Dangerous buildings within the terms of §101 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided.

(Ord. 1999-01, 1/21/1999)

§103. STANDARDS FOR REPAIR, VACATION OR DEMOLITION.

The following standards shall be followed in substance by the Code Enforcement Officer of the Township in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding 30 days, as is reasonable.
- C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Code Enforcement Officer. The Code Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.
- D. If a dangerous building is 50% or more damaged or decayed or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any ordinance of the Township or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished.

(Ord. 1999-01, 1/21/1999)

§104. DUTIES OF THE CODE ENFORCEMENT OFFICER.

- 1. The Code Enforcement Officer shall inspect, with reasonable cause, dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of §101 above.
- 2. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Code Enforcement Officer shall issue a written notice to the person or persons responsible therefor. The notice:
 - A. Shall be in writing.
 - B. Shall include a statement of the reasons it is being issued.

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- C. Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure.
 - D. Shall be served upon the owner, or his agent, or the occupant, as the case may require:
 - (1) Except in emergency cases and where the owner, occupant, lessee or mortgagee is absent from the Township, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building if a copy thereof is served upon him personally or if a copy thereof is posted in a conspicuous place in or about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth.
 - (2) Except emergency cases, in all other cases where the owner, occupant, lessee or mortgagee is absent from the Township, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, to the last known address of each and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.
 - E. May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part and with the rules and regulations adopted pursuant thereto.
3. Appear at all hearings conducted by the Board of Supervisors and testify as to the condition of dangerous buildings.

(Ord. 1999-01, 1/21/1999)

§105. HEARINGS.

1. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, may request and shall be granted a hearing on the matter before the Board of Supervisors; provided, that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 30 days after the day on which the petition was filed.

2. After such hearing the Board of Supervisors shall sustain, modify or withdraw the notice. If the Board of Supervisors sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this Part shall automatically become an order if a written petition for a hearing is not filed with the Township Secretary within 10 days after such notice is served.
3. Any aggrieved party may appeal the final order to the Court of Common Pleas in accordance with the provisions of the Judicial Code.

(Ord. 1999-01, 1/21/1999)

§106. REMOVAL OF NOTICE PROHIBITED.

No person shall remove or deface the notice of dangerous building, except as provided in §103(C).

(Ord. 1999-01, 1/21/1999)

§107. EMERGENCY CASES.

Whenever the Code Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Code Enforcement Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Part have been complied with, the Code Enforcement Officer shall continue such order in effect, or modify or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

(Ord. 1999-01, 1/21/1999)

§108. ABATEMENT BY TOWNSHIP.

If the owner, occupant, mortgagee or lessee fails to comply with the order of the Code Enforcement Officer within the time specified in the notice issued by him and no petition for a hearing is filed within 10 days thereafter or following a hearing by the Board of Supervisors where the order is sustained thereby, the Code Enforcement Officer shall cause such building or structure to be repaired, vacated or demolished, as determined by the Board of Supervisors in accordance with the standards hereinbefore provided. The Township may collect the cost of such repair, vacation or demolition together with a penalty of 10% of such cost, in the manner

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provided by law. Or the Township may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

(Ord. 1999-01, 1/21/1999)

§109. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1999-01, 1/21/1999)

PART 2

BUILDING AND PROPERTY ADDRESS IDENTIFICATION NUMBERS

§201. POSTING OF ADDRESS IDENTIFICATION NUMBER REQUIRED.

The property owner of each residence, apartment building, or business shall post and display the legally assigned identification number assigned by the Township within 60 days after said numbers are received by the Township in cooperation with the U.S. Post Office.

(Ord. 2006-01, 4/10/2006, §I)

§202. REGULATIONS REGARDING SIZE, POSTING AND DISPLAY OF ADDRESS IDENTIFICATION NUMBERS.

1. Size. The minimum size of any identification number which is attached to a building, residence, or mobile home is 4 inches in height. The minimum size of an identification number which is attached to a United States Postal mailbox is 1 inch in height.
2. Color. The color of the identification numbers must be such that it is clearly visible as it relates to the background color upon which it is attached.
3. Posting.
 - A. Every building, residence, or mobile home must have the identification number posted on its United States Postal mailbox, if such a mailbox is utilized and located directly in front of the residence, building, or mobile home.
 - B. Any residence, building, or mobile home that does not utilize a United States Postal mailbox that is located directly in front of the residence must place an identification number directly on the residence, building, or mobile home in a conspicuous place.
 - C. All residents and owners are encouraged to use both locations described above to clearly mark their residence, building, or mobile homes.
 - D. All identification numbers must be clearly visible from the street or road which provides public access to the premises and cannot be obstructed by vegetation, trees, or any other object.
 - E. If any residence, building, or mobile home would not be visible from the street or road and does not utilize a United States Postal mailbox, identification numbers must be posted on a post, road, or masonry pillar visible from the street or road.

(Ord. 2006-01, 4/10/2006, §II)

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§203. NOTIFICATION OF VIOLATION.

The Township Supervisors are hereby authorized to give written notice by personal service to the owner or occupant of any premises not in conformance with this Part. Such written notice shall advise the owner or occupant of the provisions of this Part and set forth the violation that exists. The violator shall be given 60 days after the issuance of such written notice to conform to the requirements of this Part.

(Ord. 2006-01, 4/10/2006, §III)

§204. VIOLATIONS AND PENALTIES.

Any owner or occupant who willfully violates any of the provisions of this Part shall, upon conviction, be guilty of a summary offense which is punishable by a fine of not more than \$50. Each day of violation shall be considered a separate and distinct offense.

(Ord. 2006-01, 4/10/2006, §IV)