

Chapter 4

Buildings

Part 1

Dangerous Structures

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Part 1**Dangerous Structures****§4-101. Dangerous or Dilapidated Buildings Defined.**

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

A. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to the life, safety, morals, or the general health and welfare of the occupants or the people of the Township of Clifton.

B. Those which have become or are so dilapidated, decayed, unsafe, unsanitary 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 accidents, sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein as well as other citizens of the Township.

C. Those which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property.

D. Those which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Township.

(Ord. 1-1985, 7/13/1985, §1)

§4-102. Dangerous Buildings as Nuisances.

All dangerous buildings within the terms of §4-101 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinabove and hereinafter provided.

(Ord. 1-1985, 7/13/1985, §2)

§4-103. Investigation Procedures.

Whenever it shall be reported or come to the attention of any Township official or police officer that any building or structure, completed or in the process of construction, or any portion thereof, is in a dangerous condition, such person having knowledge thereof shall report same to the Board of Supervisors, and the Board shall immediately cause an investigation and examination to be made of such building or structure. Such investigation and examination shall be made by the Township Codes Officer and at least one member of the Board of Supervisors. The Board of Supervisors may engage the services of a housing inspector, engineer or persons competent in the building construction industry to assist in making an investigation or examination of any building or structure as they deem necessary. If such investigation or examination indicates such building or structure to be dangerous in accordance with the standards of §4-101 of this Part, a written report of such investigation shall be submitted to the Board of Supervisors, specifying the exact condition of such building or structure and setting forth whether or in what respect the structure is dangerous and whether the structure is capable of being properly repaired or whether it shall be removed as a

dangerous structure.

(*Ord. 1-1985, 7/13/1985, §3*)

§4-104. Hearing Procedures.

The Board of Supervisors shall:

A. Upon receipt of a report in accordance with §4-103 of this Part, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by land records of the recorder of deeds of Lackawanna County, to appear before the Board on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the notice provided for herein in §4-106.3.

B. Hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or any other person having an interest in said building, shall offer relative to the dangerous building.

C. Make written findings of fact from the testimony offered pursuant to paragraph .B as to whether or not the building in question is a dangerous building within the terms of §4-101 hereof.

D. Issue an order based upon findings of fact made pursuant to paragraph .C of this Section demanding the owner, occupant, mortgagee, lessee or any other person having an interest in said building to repair, vacate or demolish any building found to be a dangerous building within the terms of this Part.

(*Ord. 1-1985, 7/13/1985, §4*)

§4-105. Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the Board of Supervisors in ordering repair, vacation or demolition:

A. If the dangerous or dilapidated building can be repaired as determined by an examination as provided in §4-103 so that it will no longer exist in violation of the terms of this Part, it shall be ordered repaired.

B. If the dangerous or dilapidated building or structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

C. In any case where a dangerous or dilapidated building or structure cannot be reasonably repaired as determined by an examination as provided in §4-103, it shall be demolished. In cases where a dangerous or dilapidated building or structure is a fire hazard existing or erected in violation of the terms of this Part or any Statute of the Commonwealth of Pennsylvania, it shall be demolished in such a manner as to insure a remaining safe condition.

(*Ord. 1-1985, 7/13/1985, §5*)

§4-106. Enforcement Procedures.

1. If any structure is deemed to be a dangerous building within the standards set forth in §4-101 of this Part, the Board of Supervisors shall forthwith cause written

notice to be served upon the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the deed of registration of any such dangerous building.

B. The notice required by this Section shall be served personally upon the owner of a dangerous building if the owner resides in the Township or personally upon his agent if such agent resides within the Township. If personal service as required herein cannot be obtained or if the owner resides outside of the Township, such notice shall be sent to the owner of a dangerous building by Certified Mail at the last known address thereof.

C. The notice shall identify the building or structure deemed dangerous and contain a statement of the particulars which made this building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of the order of this Part, provided in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure in lieu of making the repairs thereto within the time limits herein provided.

D. Such notice shall require any person notified to repair, vacate or demolish any building to commence the work or actions required to secure the structure and/or immediate area from further damage, the structure from further deterioration from the weather, and to secure and prevent access to the structure and any dangerous conditions or dangerous areas on the property by Township residents or the general public within 10 days of such notice and to complete such work or acts within 30 days thereof. Such notice shall also require any person notified to repair, vacate or demolish any building to commence and complete the work or acts required by the notice according to a time schedule approved by the Township Board of Supervisors.

E. The Board of Supervisors shall cause to be placed on all dangerous buildings a notice reading substantially as follows:

"This building has been found to be a dangerous building by the Board of Supervisors of the Township of Clifton. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee or agent of this building. It is unlawful to remove this notice until compliance is made under the terms contained in the Notice given to the above named party."

(Ord. 1-1985, 7/13/1985, §6)

§4-107. Penalties.

1. The owner, occupant, mortgagee, lessee or any other person who shall fail to comply with any notice or order to repair, vacate or demolish any such dangerous building given by any person authorized by this Part, or any regulation or order issued thereunder, or any person removing the notice provided for in §4-106.5 hereof, shall upon conviction thereof in an action brought before a magisterial district judge 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. 3-2008*]

2. If the owner, occupant, mortgagee, lessee or any other person having an interest in said building as shown by the land records of the recorder of deeds of the County of Lackawanna, fails to comply with any notice or order to repair, vacate, or demolish any dangerous building within 30 days, the Board of Supervisors is empowered to cause such building or structure to be repaired, vacated or demolished by the Township and to cause the costs of such repair, vacation or demolition, together with a penalty of 10 percent to be charged against the land on which the building existed as a municipal lien, or to recover such costs in a suit at law against the owner or other such person having an interest in the building, provided, the recovery of such costs and expense, together with the penalty, may be in addition to the penalty imposed in subsection .1 of this Section.

(*Ord. 1-1985, 7/13/1985, §7; as amended by Ord. 3-2008, 11/13/2008*)

§4-108. Emergency Cases.

In cases wherein it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous building as defined herein, the Board shall cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided for in §4-107.2.

(*Ord. 1-1985, 7/13/1985, §8*)