

DANGEROUS BUILDINGS & CONDITIONS ORDINANCE

Glenburn Township
Lackawanna County

Ordinance No. 01 of 2007

AN ORDINANCE OF THE TOWNSHIP OF GLENBURN, COUNTY OF LACKAWANNA IN THE COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE VACATING, REMOVAL, REPAIR OR DEMOLITION OF ANY CONDITIONS AND/OR STRUCTURES DANGEROUS TO THE HEALTH, MORALS, SAFETY, OR GENERAL WELFARE OF THE PEOPLE OF THE TOWNSHIP OF GLENBURN; AND FOR THE ASSESSMENT OF THE COST OF VACATION, REMOVAL, REPAIR OR DEMOLITION THEREOF AS A MUNICIPAL LIEN OR ASSESSMENT AGAINST SUCH PREMISES; PROVIDING FOR THE RECOVERY OF SUCH COSTS IN AN ACTION AT LAW; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, in the Township of Glenburn, County of Lackawanna in the Commonwealth of Pennsylvania, there are or may be in the future conditions and/or buildings or structures that are dilapidated, unsafe, dangerous, unsanitary, or any two or more from among these;

WHEREAS, these aforementioned conditions, buildings or structures constitute a menace to the health, morals, safety, and general welfare of the people of the Township or at least one or more of these; and,

WHEREAS, these aforementioned conditions, buildings or structures tend to constitute a public nuisance and may also constitute a fire menace.

AND NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors for the Township of Glenburn, and it is hereby enacted and ordained by their authority of the same, as follows:

SECTION 1 - Short Title - This ordinance shall be known as and may be cited as "Glenburn Township Dangerous Buildings and Conditions Ordinance."

SECTION 2 - Application - This ordinance shall apply uniformly to all persons, business organizations, nonprofit organizations, and all other legal entities; and, it shall apply uniformly to all property and all property owners within the Township of Glenburn.

SECTION 3 - Definitions and Word Usage

a) Unless otherwise specifically defined below, words or phrases used herein shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the ordinance its most reasonable application consistent with its intent.

b) The word "shall" is always mandatory and not merely directory.

c) The word “Board” shall mean the Board of Supervisors of the Township of Glenburn (see “Township” herein below).

d) The word “Township” shall mean the Township of Glenburn, County of Lackawanna in the Commonwealth of Pennsylvania.

e) The words “dangerous buildings and/or dangerous conditions” shall mean all the buildings or structures and/or conditions which have any or all of the following defects; and, all such conditions, buildings or structures shall be deemed “dangerous buildings and/or dangerous conditions”.

f) Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation:

i) Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation;

ii) Those which have been damaged by fire, wind or other cause so as to have become dangerous to the life and safety, morals, or the general health and welfare of the occupants or the people of the Township;

iii) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation;

iv) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living and 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;

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

vi) 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.

g) Words used in the present text include the future and past, words in the plural number include the singular, words in the singular number include the words in the plural, and words either in the feminine, masculine or neuter shall include words of the other two genders.

SECTION 4 - DANGEROUS CONDITIONS BUILDINGS AND AS NUISANCES

a) All “dangerous conditions and buildings” are hereby declared to be public nuisances and shall be repaired, vacated, demolished or rectified.

b) Each day a nuisance in the form of a “dangerous condition or building” continues, after notice is given that said dangerous condition or building is to be repaired, vacated, demolished or rectified, shall constitute a separate offense in violation of this ordinance.

SECTION 5 - INVESTIGATION PROCEDURE - Whenever it shall be reported or come to the attention of any Township official or police officer that any condition, building or structure then existing, completed or in the process of construction, or any portion thereof, is in a dangerous condition, such person shall report same to the Board; and, the Board shall promptly designate a Township official, including, the Township’s UCC Building Inspectors, Code Enforcement Officer, Township Engineer, Police Officer or other designated Township representative, to make an investigation and examination of such condition, building or structure. If such investigation or examination indicates such condition, building or structure to be a “dangerous condition or building”, a written report of such investigation shall be sent to the Board, specifying the exact condition or such building or structure and setting forth whether or in what respect it is dangerous and whether it is capable of being properly repaired or whether it shall be removed as a “dangerous condition or building”.

SECTION 6 - HEARING PROCEDURE - The Board of Supervisors of the Township shall:

a) Upon receipt of a report in accordance with the investigation procedure provided for herein above in Section 5 of this ordinance, given written notice to the owner or owners of such dangerous property or building as determined by the record in the Office of the Recorder of Deeds in and for the County of Lackawanna in the Commonwealth of Pennsylvania or failing to find any owner or owners, then such occupant, mortgagee, lessee, agent, or any other person with an interest in said dangerous condition or building who may be located, to appear before the Board on the date specified in the notice to show cause why the condition or building or structure reported to be a “dangerous condition building” should not be repaired, demolished, vacated or rectified in accordance with the statement of particulars set forth in the notice provided for herein;

b) Within not less than (10) nor more than sixty (60) days from the date of such notice, the Board shall hold a hearing and hear such testimony and review such evidence as the owner, occupant, mortgagee, lessee or other person having an interest in said property or building, as well as Township representatives’ testimony and evidence, shall offer related to the “dangerous condition or buildings” designation.

c) Within thirty (30) days of such hearings, the Board will make written findings of fact from the testimony and evidence offered at the hearing as to whether or not the property or building in question is a “dangerous condition or building”; and,

d) Within not more than thirty (30) days following the hearing provided for by subsection (“b”) hereof, the Board will issue an order, based upon findings of fact made pursuant to subsection (“c”) hereof, demanding the owner of said property or building to repair, demolish or vacate any building or condition found to be a “dangerous condition or building”.

SECTION 7 - STANDARDS FOR REPAIR, VACATION OR DEMOLITION - The following standards shall be followed in substance by the Board in ordering repair, vacation or demolition of a dangerous condition or building:

a) If the “dangerous condition or building” can be repaired as determined by the Board so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.

b) If the “dangerous condition or building” 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 remedied or vacated.

c) If the “dangerous condition or building” cannot be reasonably repaired as determined by the Board, it shall be remedied or demolished.

d) If the “dangerous condition or building” is a fire hazard or is existing or erected in violation of the terms of this ordinance any other ordinance of the Township or any statute of the Commonwealth of Pennsylvania, it shall be remedied or demolished.

SECTION 8 - ENFORCEMENT PROCEDURES

a) If any condition or structure is deemed to be a “dangerous condition or building” within the standards of this ordinance, the Board shall forthwith cause notice to be served upon the owner or owners of such dangerous property or building as determined by the record in the Office of the Recorder of Deeds in and for the County of Lackawanna in the Commonwealth of Pennsylvania, or failing to find any owner or owners, then such occupant, mortgagee, lessee, agent, or any other person with an interest in said dangerous property or building who may be located.

b) The notice required by this section shall be served personally upon the owner or owners of a dangerous property or building if such owner resides, or such owners, reside in the Township or personally upon his agent if such agent resides within the Township. If personal service required herein cannot be obtained, such notice shall be sent to the owner or owners of a dangerous property or building by certified mail at the last known address according to the records available in the Tax Assessment Office in and for the County of Lackawanna in the Commonwealth of Pennsylvania.

c) Such notice shall identify the property, building or structure deemed dangerous, contain a statement of the particulars which made this property or building or structure a dangerous condition or building and include an order requiring the same to be put in such condition as to conform with the terms of this ordinance; provided further in any case where the notice prescribes the repair of any condition or structure, the owner thereof shall have the option to remove such condition or structure in lieu of making the repairs thereto within the time period provided.

d) Such notice shall require any person notified to repair, vacate, demolish or remedy any condition or building to commence the work or act required by the notice within ten (10) days of such notice and to comply with such repair, vacation or demolition within sixty (60) days from the receipt of such notice.

e) The Board shall cause to be placed on all dangerous properties or buildings a notice reading substantially as follows:

“This property or building has been found to be a dangerous condition or building by the Board of Supervisors for the Township of Glenburn, County of Lackawanna in the Commonwealth of Pennsylvania. This notice is to remain on this property or 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 the building. It is unlawful to remove this notice until compliance is made under the terms contained in the notice served on the above named party.”

f) Failure of the owner and/or representative to comply with the Order of the Board may result in additional enforcement proceedings before a Magisterial District Judge and/or the Court of Common Pleas of Lackawanna County.

SECTION 9 - PENALTIES

a) All fines provided for in this section shall be in addition to costs associated with the enforcement proceedings and any subsequent litigation related thereto.

b) Any person who shall fail to comply with any notice or order to repair, vacate or demolish any dangerous condition or building, which notice is served by any person authorized to do so by the Board, shall upon conviction before a Magisterial District Judge, be subject to a fine not exceeding three hundred (\$300.00) dollars; and, in default of payment of the fine and costs, shall be subject to imprisonment for a period not exceeding thirty (30) days.

c) Any person removing the notice provided for in Section 8(e) shall, upon conviction before a Magisterial District Judge, be subject to a fine not exceeding one hundred (\$100.00) dollars; and, in default of payment of the fine and cost shall be subject to imprisonment for a period not exceeding fifteen (15) days.

d) Any person having an interest in any property or building who fails to comply with any notice or order to repair, vacate or demolish any dangerous property or building within sixty (60) days of the receipt of such notice, by such failure, does empower the Board to cause such condition or 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 ten (10%) percent to be charged upon the land upon which the condition or building exists as a municipal lien, or alternatively to recover such costs and penalty in a suit at law against the owner or owners but failing to recover same to have the judgment

therefor to be charged upon the land as a lien; and, this subsection is separate from and in addition to the fine, penalty and costs which may be imposed by any other subsection of this section.

SECTION 10 - EMERGENCY CASES - In cases where it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous conditions building, the Board may cause the immediate repair, vacation or demolition of such dangerous conditions building. The costs of such emergency repair, vacation or demolition of such dangerous condition or building shall be collected as provided for in Section 9(d) of this ordinance.

SECTION 11 - SEVERABILITY - The provision of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Glenburn Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION 12 - EFFECTIVE DATE - This ordinance shall become effective five (5) days after enactment.

SECTION 13 - REPEALS - All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

ENACTED AND ORDAINED into law this _____ day of _____, 20_____.

ATTEST:

GLENBURN TOWNSHIP
BOARD OF SUPERVISORS

Secretary

By: _____
William Wicks, Chairman

By: _____
Frank Berardelli, Supervisor

By: _____