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South Shenango Township
Crawford County, Pennsylvania

Ordinance No. 1983 - _____

AN ORDINANCE PROVIDING FOR THE VACATION, REMOVAL, REPAIR OR DEMOLITION OF ANY BUILDING OR STRUCTURE WHICH IS, OR THREATENS TO BE A PUBLIC NUISANCE, DANGEROUS TO THE HEALTH, MORALS, SAFETY OR GENERAL WELFARE OF THE PEOPLE OF THE TOWNSHIP OF SOUTH SHENANGO; OR WHICH MIGHT TEND TO CONSTITUTE A FIRE MENACE; 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 South Shenango there are and may be in the future, buildings or structures which are dilapidated, unsafe, dangerous, unsanitary and a menace to the health, morals, safety and general welfare of the people of the Township; and which might tend to constitute a fire menace and which are a public nuisance;

Now, Therefore, Be It Ordained And Enacted by the Board of Supervisors of South Shenango Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION I

**Dangerous or Dilapidated Buildings and Temporary Dwellings
and Other Dangerous Conditions**

A. Dangerous or Dilapidated Buildings Defined. All buildings or structures, including mobile homes, which have any or all of the following defects shall be deemed "dangerous buildings":

- 1.) Those whose interior or exterior walls or other vertical structural members lean, list or buckle to such an extent that they are three (3%) percent or more of their longitudinal dimension from being vertically plumb or horizontally straight.

- 2.) Those having a structural member or members, whether or not supporting members, which are substantially deteriorated.
- 3.) Those which have improperly distributed loads upon the floors, roofs, or walls as a result of settlement or decay in which any structural member is overloaded or has insufficient strength to be reasonably safe.
- 4.) 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 South Shenango.
- 5.) 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 sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein.
- 6.) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- 7.) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.
- 8.) Those which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property.
- 9.) 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.
- 10.) Those buildings existing in violation of any provision of any applicable Ordinance of this Township.
- 11.) Those buildings which, because of their contents or condition, constitute an unreasonable fire hazard to the community.

B. Travel Trailers Constituting Dangerous or Dilapidated Buildings.

Travel Trailers, Motor Homes and Other Movable Structures Constituting Dangerous or Dilapidated Buildings. All motor homes, travel trailers or other movable structures or dwellings used, or intended or designed for use primarily for temporary habitation, which have any of the following defects shall be deemed to be dangerous or dilapidated buildings:

- 1.) Those which exhibit any of the conditions enumerated at Section 1(A)(1 through 11) of this Ordinance.
- 2.) Those which, because of their condition, cannot or could not safely be moved upon the public roads by means of the wheels attached to the structure and associated equipment intended for their transportation and, in the case of dwellings designed and intended to be self-propelled, under their own power, without failure of or damage to the structure of the trailer or dwelling.

C. Travel Trailers and Other Movable Dwellings as Ordinary Dwelling Units.

Any motor home, travel trailer or other movable dwelling used, intended or designed to be used primarily for temporary habitation, which is not currently licensed by the Department of Transportation of any state or which is occupied for more than one hundred twenty (120) days during any calendar year, shall be deemed to be a "building" and a "dwelling unit" as those terms are defined in Ordinance No. 10, adopted December 29, 1969, as subsequently amended, such that the owner and occupant shall be required to comply with all requirements imposed upon buildings and dwelling units by Ordinance No. 10, and Ordinance No. 10 shall be deemed to be amended insofar as necessary to comprehend this definition. This provision shall not be deemed to alter the current requirements or any future requirements provided by ordinance and statute, including but not limited to, Ordinance No. 10, Section I(3), relating to sewage disposal requirements.

D. Dangerous Condition Defined.

The following conditions shall be deemed "dangerous conditions":

- 1.) Any hole or excavation or the head of any well having a bore or opening in excess of six inches in diameter, whether or not currently in use, which is not entirely covered by a protective covering reasonably sound and solid, and firmly anchored in place and which will bear 2,000 pounds of weight, at the minimum, without damage, collapse or threat of collapse. Any temporary excavation made in connection with any duly permitted construction activity, or in connection with any duly permitted current mining activity shall not be deemed to constitute a dangerous condition under this Ordinance.
- 2.) Any septic tank which is in a deteriorated condition, or which has not been used for sewage disposal for a period of one year or more, and which has not been excavated and filled.

SECTION II

Standards For Repair, Vacation or Demolition

The following standards shall be followed in substance by the Building Inspector or Assistants specially designated thereto, and the Township Board of Supervisors in ordering repair, vacation or demolition:

- A. If the dangerous or dilapidated building or dangerous condition can be repaired as determined by the Building Inspector, so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered repaired.
- B. If the "dangerous or dilapidated building or dangerous condition" 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 dangerous condition" cannot be reasonably repaired as determined by the Building Inspector, as provided in Subsection A of this Section, it shall be demolished and in all cases where a building or other use or condition cannot be repaired so that it will no longer exist in violation of the terms of this Ordinance, it shall be demolished, and all debris removed from the premises and disposed of in a manner consistent with the ordinances of the Township and laws of the Commonwealth of Pennsylvania. In cases where a "dangerous or dilapidated building" is a fire hazard existing or erected in violation of the terms of this Ordinance or of any ordinance of the Township or Statute of the Commonwealth of Pennsylvania, it shall be demolished.

SECTION III

Dangerous Buildings - Nuisances

All "dangerous and dilapidated buildings and other dangerous conditions" within the terms of Section I of this Ordinance are hereby declared to be public nuisances and shall be repaired, vacated or demolished and the debris removed as hereinbefore and hereinafter provided; and any action taken by the Township to correct or remove violations and activities incident thereto shall be deemed abatement of public nuisances.

SECTION IV

Duties of the Building Inspector

The Building Inspector or assistants specially designated thereto:

- A. May inspect or cause to be inspected semi-annually and shall have the right of entry to perform such inspections, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of Section I of this Ordinance.

- B.** Shall inspect any building, wall or structure about which complaints are filed by any person to the effect that a building wall or structure or other condition is or may be existing in violation of this Ordinance, or as to which the Building Inspector has reasonable cause to believe that a violation exists, and he shall have the right to enter such premises for purposes of conducting such inspection.
- C.** Shall inspect any building, wall or structure reported (as hereinafter provided for) by fire or police departments operating within this Township as probably existing in violation of the terms of this Ordinance.
- D.** May inspect annually buildings and other structures and conditions in this Township to determine whether they are "dangerous buildings or conditions" within the terms of Section I of this Ordinance, and may conduct continuing inspections as often as may be reasonable under the circumstances upon any structure which is approaching dilapidation.
- E.** Shall notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in any building as shown by the records of the Recorder of Deeds of the County of Crawford, which is found by him to be a "dangerous building or other dangerous condition" within the standards set forth in Section I of this Ordinance, that: (1) the owner must vacate, or repair, or demolish said building or other structure or condition, and remove debris in accordance with the terms of the notice and this Ordinance; (2) the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; (3) the mortgagee, agent or the other persons having an interest in said buildings as shown by the land records of the Recorder of Deeds of the County of Crawford, may at his own risk repair, vacate, or demolish said building or have such work or act done, provided, that any person notified such subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding 30 days as may be necessary to do, or have done, the work or act required by the notice provided for herein.
- F.** Set forth in the notice provided for in Subsection E. hereof, a description of the building, or structure or other condition, deemed unsafe, a statement of the particulars which make this building or structure a "dangerous building or condition" and an order requiring the same to be put in such condition as to comply with the terms of this Ordinance within such length of time, not exceeding 30 days, as is reasonable.
- G.** Report to the Township Board of Supervisors any noncompliance with the "notice" provided for in Subsections E. and F. hereof.

- H. Appear at all hearings conducted by the Board of Supervisors and testify as to the condition of "dangerous buildings".
- I. Place a notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the Building Inspector, or assistants specially designated thereto. 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, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Crawford. It is unlawful to remove this notice until such notice is complied with".

SECTION V

Duties of Board of Supervisors

The Township Board of Supervisors shall:

- A. Upon receipt of a report of the Building Inspector or assistants specially designated thereto, as provided for in Section IV, Subsection G., of this Ordinance, shall 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 Crawford 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 or other dangerous condition" should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for in Section IV, Subsection F. of this Ordinance.
- B. Hold a hearing and hear such testimony as the Building Inspector, or assistants specially assigned thereto, or the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as shown by the records of the Recorder of Deeds of the County of Crawford, shall offer relating to the "dangerous building or other dangerous condition".
- C. Make written findings of fact from the testimony offered pursuant to Subsection B. as to whether or not the building in question is a "dangerous building or structure, or other dangerous condition" within the terms of Section I of this Ordinance.
- D. Issue an order based upon findings of fact made pursuant to Subsection C. commanding the owner, occupant, mortgagee, lessee

or any other person having an interest in said building, as shown by the records of the Recorder of Deeds of the County of Crawford, to repair, vacate or demolish any building found to be a "dangerous building or structure or other dangerous condition" within the terms of this Ordinance and remove any debris of demolition, and providing that any person so notified, except the owners, shall have the privilege either of vacating or repairing said "dangerous building or condition where appropriate"; or any person not the owner of said "dangerous building or condition" but having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Crawford may demolish or correct said "dangerous building or condition" at his own risk to prevent the acquiring of a lien by the Township against the land upon which said "dangerous building" stands, as provided in Subsection E. hereof.

- E. If the owner, occupant, mortgagee, or lessee fails to bring steps to comply with the order provided for in Subsection D. hereof, within ten (10) days, or fails to entirely comply with said order within thirty (30) days, the Township Board of Supervisors may cause such building or structure or other dangerous condition to be repaired, vacated, or demolished and the debris removed as the facts may warrant, under the standards hereinbefore provided for in Section II of this Ordinance, and shall, with the assistance of the Township Solicitor, cause the costs of any such repair, vacation, or demolition or debris removal, including reasonable attorney's fees and costs, to be charged against the land on which the building existed as a municipal lien, or to be recovered in a suit at law against the owner, provided, that in cases where such procedure is desirable and any delay thereby caused will not cause unreasonable additional danger to the health, morals, safety or general welfare of this Township, the Township Board of Supervisors may notify the Township Solicitor to take legal action to force the owner to make all necessary repairs or demolish the building, and the Township shall have the right to pursue such action for the relief provided herein and any reasonably related appropriate relief.
- F. Report to the Township Solicitor the names of all persons not complying with the order provided for in Section V, Subsection D. of this Ordinance.

SECTION VI

Violation - Penalties

The owner, occupant or lessee in possession of any building 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 Ordinance, or any regulation issued thereunder, shall upon conviction before any magistrate of the Township of South

Shenango, be subject to a fine not exceeding Three Hundred Dollars (\$300.00) and costs, and in default of payment of the fine and costs, shall be subject to imprisonment in the Crawford County Jail for a period not exceeding thirty (30) days. Each day of any continuing violation shall be deemed to be a separate violation of this act. The provisions for penalties contained in this Ordinance are in addition to any other remedies provided by this Ordinance.

Any person removing the Notice provided for in Section IV, Subsection (i) thereof, shall upon conviction be fined not exceeding One Hundred Dollars (\$100.00) and costs for each offense, and in default of payment of the fine and costs, shall be subject to imprisonment in the Crawford County Jail for a period not exceeding thirty (30) days.

SECTION VII

Duties of the Township Solicitor

The Township Solicitor shall, at the direction of the Township:

- A.** Prosecute all persons failing to comply with the terms of the notices provided for herein in Section IV, Subsection E. and F. and the order provided for in Section V, Subsection D.
- B.** Appear at all hearings before the Township in regard to "dangerous buildings".
- C.** Bring suit to collect all municipal liens, assessments or costs incurred by the Township in repairing, or causing to be vacated or demolished, "dangerous buildings".
- D.** Take such other legal action as may be necessary to carry out the terms and provisions of this Ordinance.

SECTION VIII

Emergency Cases

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building or condition" as defined herein, is immediately repaired, vacated, or demolished, the Building Inspector, or assistants specially designated thereto, shall report such facts to the Township and the Township shall cause the immediate repair, vacation or demolition of such "dangerous building or condition". The cost of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided for in Section V, Subsection E.

SECTION IX

Where Owner Absent from the Township

In cases, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the Township, all notices or orders provided for herein, shall be sent by certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown on the records of the Recorder of Deeds of the County of Crawford 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. Where desirable, the notices and orders provided for herein may be served in the same manner a summons is served in the courts of general jurisdiction.

SECTION X

Administrative Liability

No officer, agent or employee of South Shenango Township shall render himself personally liable for any damage that may accrue to person or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent or employee of South Shenango Township as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the Township Solicitor until the final determination of the proceedings therein.

Furthermore, South Shenango Township does not, by the adoption or administration of this Ordinance, undertake any duty to any person or entity to discover, correct, issue warnings or cause the correction of any dangerous or dilapidated building or other structure, or any other dangerous condition.

SECTION XI

Severability

It is the intention of the Township that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Township Supervisors that if any provision of this Ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION XII

Repealing Clause

That all other ordinances or parts of ordinances inconsistent herewith, be and the same are hereby repealed.

SECTION XIII

Effective Date

This Ordinance shall take effect immediately upon enactment.

Ordained And Enacted this 14 day of Nov, A.D., 1983.

South Shenango Township Board of Supervisors

By: Larry Cron
Chairman

By: Gerald P. Skelton
Supervisor

By: Marshall Livingston
Supervisor

Attest:

By: Rebecca A. Tolan
Secretary