Ordinance No. 11-14-2023

Greenfield Township, Lackawanna County, Pennsylvania
Addressing Unsafe and Dangerous Buildings

§101. Definitions. When used in this Ordinance, the following words, terms and phrases shall have the meaning indicated herein:

“Board of Supervisors”- means the elected Board of Supervisors of Greenfield Township, Lackawanna County, Pennsylvania.

“Building”- includes any roofed structure or part of a structure intended for shelter, housing or enclosure of persons, animals, or personal property.

“Code Enforcement Officer”- means the official appointed by the Greenfield Township Board of Supervisors to administer and enforce this Ordinance.

“Condemned”- means to declare a Building unfit for occupancy or use.

“Occupancy”- means the purpose for which a Building or portion thereof is utilized or occupied.

“Occupant”- means any person living or sleeping in a Building, or having possession of a space within a Building.

“Owner”- includes any person, agent, operator, firm or corporation having legal or equitable interest in the Property; or recorded in the official records of Greenfield Township, Lackawanna County, Pennsylvania, or the Lackawanna County Recorder of Deeds Office as holding title to the Property; or otherwise having control of the Property, including the guardian of the estate of such person if ordered to take possession of Property by a court.

“Person”- includes an individual, corporation, partnership or any other group acting as a unit.

“Property”- means a lot, plot or parcel of land or real property having a building located thereon.

“Structure”- includes that which is built or constructed or a portion thereof.

“Township”- means Greenfield Township, Lackawanna County, Pennsylvania.

§102. Unsafe and dangerous buildings generally. When a building is found by the code enforcement officer to be unsafe or dangerous, or unfit for human occupancy or use, or is found unlawful, such building shall be condemned under this ordinance.

§103. Unsafe or dangerous buildings. An unsafe building is one that is found to be dangerous to the life, health, property or safety of the public or the occupants because it
is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

§104. Buildings unfit for human occupancy or use. A building is unfit for human occupancy or use whenever the code enforcement officer finds that such building is unsafe, dangerous, unlawful or, because of the degree to which it is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or because the location and condition constitutes a hazard to the occupants, owners, or public.

§105. Dangerous buildings. For the purpose of this ordinance, any building that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any portion of a building that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

2. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

3. The building, or part thereof, because of dilapidation, deterioration, decay, faulty construction, the removal of movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of it is likely to fail or give way.

4. The building, or any portion thereof, is clearly unsafe for its use or occupancy.

5. The building is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in it to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building for committing a nuisance or an unlawful act.

6. Any building that has been constructed, exists or is maintained to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

7. A building used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code enforcement officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
8. Any building or structure, because of lack of sufficient or proper electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code enforcement officer to be a threat to life or health.

9. Any portion of a building remains on a property after the demolition or destruction of the building or whenever any building is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

§106. Closing of vacant buildings. If a building is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code enforcement officer is authorized to post a placard of condemnation on the property and order the building closed up so as not to be an attractive nuisance. Upon failure of the owner or the owner’s authorized agent to close up the property within the time specified in the order, the code enforcement officer shall cause the property to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the property upon which the building is located and shall be a lien upon such property and shall be collected by any other legal resource.

§107. Authority to disconnect service utilities. The code enforcement officer shall have the authority to authorize disconnection of utility service to the building regulated by this ordinance here necessary to eliminate an immediate hazard to life or property. The code enforcement officer shall notify the serving utility and, whenever possible, the owner or owner’s authorized agent and occupant of the building of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner’s authorized agent or occupant of the building shall be notified in writing as soon as practical thereafter.

§108. Notice. Whenever the code enforcement officer has condemned a building under the provisions of this ordinance, notice shall be posted in a conspicuous place in or about the building affected by such notice and served on the owner, owner’s authorized agent or any occupant. Notice must also be issued under section 119 of this ordinance.

§109. Placarding. Upon failure of the owner or owner’s authorized agent to comply with the notice provisions within the time given, the code enforcement officer shall post on the building or property a placard bearing the word “Condemned” and a statement of the penalties provided for occupying the building or removing the placard. The code enforcement officer shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code enforcement officer shall be subject to the penalties provided by this ordinance.
§110. Prohibited occupancy. Any occupied building condemned and placarded by the code enforcement officer shall be vacated as ordered by the code enforcement officer. Any person who shall occupy a placarded building and any owner or owner’s authorized agent who shall let anyone occupy a placarded building shall be liable for the penalties provided by this ordinance.

§111. Abatement methods. The owner or owner’s authorized agent, or occupant of a building deemed unsafe or dangerous by the code enforcement officer shall abate or cause to be abated or corrected such unsafe or dangerous conditions either by repair, rehabilitation, demolition or other approved and lawful corrective action.

§112. Emergency measures. When, in the opinion of the code enforcement officer, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any building because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code enforcement officer is hereby authorized and empowered to order and require the occupants to vacate the property or building immediately. The code enforcement officer shall cause to be posted at each entrance to such building a notice that warns that the building is unsafe and its occupancy is prohibited by the code enforcement officer. It shall be unlawful for any person to enter such building except for the purpose of securing it, making the required repairs, removing the hazardous condition or of demolishing the same.

§113. Temporary safeguards. Notwithstanding other provisions of this ordinance, whenever, in the opinion of the code enforcement officer, there is imminent danger due to an unsafe condition, the code enforcement officer shall order the necessary work to be done, including the boarding up of openings, to render such building temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code enforcement officer deems necessary to meet such emergency.

§114. Closing streets. When necessary for public safety, the code enforcement officer shall temporarily close buildings, or order the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe buildings, and prohibit the same from being utilized.

§115. Emergency repairs. For the purposes of this section, the code enforcement officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of the emergency work shall be billed to and paid for by the owner of the property or the owner’s authorized agent where the unsafe building is or was located for the recovery of such costs. If not paid by the owner or the owner’s authorized agent, the Township may institute appropriate action against the owner to recover such costs.
§116. Demolition. The code enforcement officer shall order the owner or owner’s authorized agent of any property upon which is located any building, which in the judgment of the code enforcement officer is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy, or use, and such that it is unreasonable to repair the building, to demolish and remove such building; or if such building is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner’s option. Boarding the building up for future repair shall not extend beyond one year, unless approved by the code enforcement officer.

§117. Failure to comply. If the owner of a property or owner’s authorized agent fails to comply with a demolition order within the time prescribed, the code enforcement officer shall cause the building to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the property upon which the building is located and shall be a lien upon such property.

§118. Penalties. Any person who shall violate a provision of this ordinance, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a summary offense, and, upon conviction, shall be sentenced to pay a fine of not more than $1,000.00 plus the costs of prosecution, and, in default of payment of fine and costs, to imprisonment for a term of not more than thirty (30) days; or shall be subject in a civil enforcement proceeding, to a judgment, fine, or civil penalty of not more than $600.00 per day, together with the cost of prosecution incurred by the township. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

§119. Enforcement Notice. Whenever the code enforcement officer determines that there has been a violation of this ordinance or has grounds to believe that a violation has occurred, the code enforcement officer shall initiate enforcement proceedings by first sending an enforcement notice to the owner, or owner’s authorized agent, of the property. The enforcement notice shall

1. Be in writing.
2. Indicate the location of the property in violation.
3. Describe the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to comply with the notice and explaining what needs to be done to comply with the notice.
5. Inform the owner or owner’s authorized agent of the right to appeal.
6. Include a statement of the Township’s right to file a lien against the property.

The enforcement notice shall be sent by certified and regular mail to the owner of the property on which the building is located. The code enforcement officer shall also post the property with a copy of the enforcement notice.
§120. Appeals. Any person directly affected by a decision of the code enforcement officer or a notice or order issued under this ordinance shall have the right to appeal to the Board of Supervisors, provided that a written request for appeal is filed within 10 days after the date of the decision, notice or order was served. A request for appeal shall include the reasons for the appeal. The Board of Supervisors shall hold a public hearing on the appeal, and upon conclusion of the hearing, issue a written decision to the person filing the appeal. The written decision shall be accompanied by findings of fact and conclusions of law containing a reference to the sections of the ordinance relied upon and the reasons why the conclusions are deemed appropriate in the light of the facts found. Any person, whether or not a previous party of the appeal, shall have the right to apply to the Lackawanna County Court of Common Pleas for a writ of certiorari to correct errors of law. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the board of supervisors.

§121. Transfer of ownership. It shall be unlawful for the owner of any building or property who has received an enforcement notice or compliance order to sell, transfer, mortgage, lease or otherwise dispose of such building or property to another until the provisions of the compliance order or enforcement notice have been complied with, or until such owner or the owner’s authorized agent shall first furnish the code enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or enforcement notice and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or enforcement notice within the time prescribed in the order or enforcement notice.

§122. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distance and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

§123. Repealer. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed to the extent of their inconsistencies.

§124. Effective date. This ordinance shall become effective immediately following its adoption.
Attest:  

Greenfield Township  
Board of Supervisors:

Secretary

Chairperson

Supervisor

Supervisor