

## **CHAPTER 4**

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## CHAPTER 4

### BUILDINGS

#### Part 1

#### Numbering of Buildings

**§101. Definitions.** As used in this Part, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

(a) Structure - means any building having a roof supported by columns or walls and intended for shelter, housing, enclosure of persons and property, or the conducting of any business or commercial use.

**§102. Structures to be Numbered.** All existing and new structures within the Borough shall be numbered within sixty (60) days after the adoption of this Part and as hereinafter provided.

**§103. Manner of Numbering Structures.** It shall be the duty of the owner of every structure to affix the correct address number of the structure upon the front door or as close as possible to the front door of the structure in such a manner that the address number is easily visible and identified from the street upon which the structure is located.

**§104. Assignment of Numbers.** Each structure shall have the numbers so assigned to it for emergency purposes.

**§105. Supervision over Numbering and Costs.** The numbering of structures shall be done by the owner of the structure at the owner's own expense.

**§106. Penalties.** Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) and/or to imprisonment for a term not to exceed Ninety (90) Days. Every day that a violation of this Part continues shall constitute a separate offense.

**Part 2**  
**Dangerous Structures**

**§201. Definitions.** As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

(a) Dangerous Structures – includes all building or structures which have any or all of the following defects:

(1) Those whose interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(2) Those which, exclusive of the foundation, show damage or deterioration to thirty-three percent (33%) of the supporting member or members, or damage or deterioration to fifty percent (50%) of the non-supporting enclosing or outside walls or covering.

(3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(4) 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.

(5) 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.

(6) Those which have parts thereof which are so attached that they may fall and injure property or members of the public.

(7) Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the occupants or the public.

(8) Those which because of their location are unsanitary, or otherwise dangerous, to the health or safety of the occupants or the public.

(9) Those which house unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property, or safety of the public or occupants of the premises or

structure. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

(10) Those existing in violation of any provision of the building code, international property maintenance code, fire prevention code, or other ordinances of the Borough.

(b) Dwelling or Dwelling Unit - means any building having a roof supported by columns or walls and intended for shelter, housing, enclosure of persons and property, or the conducting of any business or commercial use.

(c) Extermination – means control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible, materials that may serve as their food, poisoning, spraying fumigating, trapping, or by any other recognized and legal pest eliminating methods.

(d) Garbage – means animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(e) Infestation – means the presence, within or around a structure, of any insects, rodents or other pest.

(f) Property – means a piece, parcel, lot or tract of land.

(g) Rubbish – means 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.

(h) Structure – means 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.

(i) Whenever the words “dwelling unit” “dwelling unit” or “premises”, are used in this Part, they shall be construed as though they were followed by the words “or part thereof”.

**§202. Dangerous Structures Declared Nuisances.** All dangerous structures within the terms of §201 of this Part are hereby declared to be public nuisance and shall be repaired, vacated, or demolished as herein provided.

**§203. Standards for Repair, Vacation, or Demolition.** The following standards shall be followed in substance by the Code Enforcement Officer of the Borough in ordering repair, vacation, or demolition:

(a) If the dangerous structure can reasonable 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 structure 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 thirty (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 or Police Officer. The Code Enforcement Officer or Police Officer shall remove such placard whenever the defect or defects upon which the placarding action was based have been eliminated.

(d) If a dangerous structure is fifty percent (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 structure is a fire hazard existing or erected in violation of the terms of this Part or any ordinance of the Borough or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed fifty percent (50%) of the market value of the building at the time demolition is proposed.

#### **§204. Duties of Code Enforcement Officer or Police Officer.**

(a) The Code Enforcement Officer or Police officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous buildings within the terms of §201 above.

(b) Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Code Enforcement Officer or Police Officer shall issue a written notice to the person or persons responsible, which shall:

(1) Be in writing.

(2) Include a statement of the reasons it is being issued.

(3) State a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building, or structure.

(4) Be served upon the owner, or the owner's agent, or the occupant(s), as the case may require.

(A) Except in emergency cases and where the owner, occupant, lessee, or mortgagee is absent from the Borough, 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 or her 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.

(B) Except in emergency cases, and in all other cases where the owner, occupant, lessee, or mortgagee is absent from the Borough, 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 structure, as shown by the records of the County Recorder of Deeds, to the last known address of each, a copy of such notice shall be posted in conspicuous place on the dangerous structure to which it relates. Such mailing and posting shall be deemed adequate service.

(5) 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.

(c) The Code Enforcement Officer or Police Officer shall appear at all hearings conducted by the Borough Council to testify as to the condition of dangerous structures.

#### **§205. Hearings.**

(a) 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 Borough Council; provided, that such person shall file with the Borough Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. Upon receipt of such petition, the Borough 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 thirty (30) days after the day on which the petition was filed.

(b) After such hearing the Borough Council shall sustain, modify or withdraw the notice. If Council 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 Borough Secretary within ten (10) days after such notice is served.

(c) Any aggrieved party may appeal the final order to the Court of Common Pleas in accordance with the provisions of the Pennsylvania Rules of Civil Procedure.

**§206. Removal of Notice Prohibited.** No person shall remove or deface the notice of dangerous structure, except as provided in §203 (c).

**§207. Emergency Cases.** Whenever the Code Enforcement Officer or Police Officer finds that an emergency exists which requires immediate action to protect the public health, he or she 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 or Police 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 or Police Officer shall continue such order in effect, or modify, or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous structures shall be collected in the same manner as provided herein for other cases.

**§208. Abatement by Borough.** If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Code Enforcement Officer or the Police Officer within the time specified in the notice issued by him or her and no petition or hearing is filed within ten (10) days thereafter, or following a hearing by the Borough Council where the order is sustained thereby, the Code Enforcement Officer or Police Officer shall cause such building or structure to be repaired, vacated, or demolished, as determined by the Borough Council in accordance with the standards set forth in this Part. The Borough may collect the cost of such repair, vacation or demolition together with a penalty of ten percent (10%) of such cost, in manner provided by law, or the Borough may seek injunctive relief in a court of competent jurisdiction pursuant to the Pennsylvania Rules of Civil Procedure.

**§209. Penalties.** Any person who violates any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than One Thousand Dollars (\$1,000.00), and in default of payment thereof to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.