

GERMAN TOWNSHIP
COUNTY OF FAYETTE
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 0709 OF 2013

DANGEROUS AND UNSAFE BUILDINGS

AN ORDINANCE PROVIDING FOR THE VACATION, REMOVAL, REPAIR OR DEMOLITION OF ANY STRUCTURE(S) DANGEROUS TO THE HEALTH, MORALS, SAFETY OR GENERAL WELFARE OF THE PEOPLE OF THE TOWNSHIP OF GERMAN; AND PROVIDING FOR THE INSPECTION OF SUCH STRUCTURE(S), FOR HEARING ON THEIR CONDITION AND DISPOSITION BY ORDER; AND FOR THE ASSESSMENT OF THE COST OF VACATION, REMOVAL, REPAIR OR DEMOLITION THEREOF AS A MUNICIPAL LIEN OR ASSESSMENT AGAINST SUCH PREMISES; AND PROVISION FOR THE RECOVERY OF SUCH COSTS IN AN ACTION AT LAW; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS: the Board of Supervisors of German Township, Fayette County, Pennsylvania, are authorized by the Second Class Township Code, 53 P. S. §66529, "to prohibit nuisances, including, but not limited to dangerous structures, on private and public property . . ."; and

WHEREAS, the said Board of Supervisors desire to protect its citizens and visitors from unsafe conditions and to promote the public health, safety and welfare.

NOW THEREFORE, be it hereby ORDAINED and ENACTED by the Supervisors of German Township, Fayette County, Pennsylvania, as follows:

SECTION I: TITLE

A. This Ordinance shall be known as the German Township Dangerous and Unsafe Building Ordinance.

SECTION II: DEFINITIONS

All words used herein shall have their usual meaning in addition to the following definitions:

A. Dangerous and Unsafe Building - shall mean all buildings or structures which have any, some or all of the following defects:

1. Buildings or structures whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of said wall falls outside the middle third of its base.

2. Building or structures which, exclusive of the foundation, show thirty (30%) per cent or more of damage or deterioration of the supporting members, or fifty (50%) per cent or more of damage or deterioration of the non-supporting interior or exterior walls or their coverings.

3. Building structures which may have improperly distributed loads upon the floor or roofs, or in which resects are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

4. Buildings or structures which have been damaged by fire, wind, or other causes so as to have become injurious to property of others or to the life, safety, morals and general health and welfare of the occupants or the residents visitors of the Township.

5. Those buildings whose intended purpose is human habitation and 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 be detrimental to the health, morals, safety or welfare of those living therein as well as other Township residents'visitors.

6. Buildings or structures, parts of which are so attached that they may fall and injure members of the public or cause damage to property.

7. Buildings or structures which, because of their general condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or welfare of the Township.

SECTION III: DECLARATION OF PUBLIC NUISANCE

All dangerous and unsafe buildings structures as defined by this Ordinance, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided.

SECTION IV: PROCEDURES BEARING

A. PROCEDURE(S).

Whenever it shall be reported or come, in any fashion, to the attention of any Township Official that any building or structure, completed or in the process of construction, or any portion thereof is in a dangerous condition, the Board of Supervisors shall order an investigation and

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examination of such structure. If such investigation or examination indicates such building or structure to be dangerous in accordance with the standards of the Ordinance, the Township's Code Enforcement Officer shall give written notice by certified mail or personal service to the owner, lessee, tenant, occupant and/or agent describing the condition and ordering the abatement thereof within the period specified in the Notice. In the event that the building or structure is vacant and the whereabouts of the owner cannot, after reasonable investigation, be ascertained, the notice required herein shall be posted on the front door of the structure or in the most conspicuous location on or near the structure. The owner, lessee, tenant, occupant and/or agent shall have the right to correct/abate the condition(s) in accordance with this Ordinance or shall have the right to request a hearing before the Board of Supervisors.

B. HEARING.

1. If the owner, lessee, occupant/tenant and/or agent desires to have a hearing on the issue, he/she must file a written request for a hearing with the Township's Code Enforcement Officer within ten (10) days after receipt of the notice under Section IV (A) hereof.

2. At the hearing, the owner, lessee, occupant, tenant and/or agent, or any other person having an interest in the building/structure or in its condition shall be permitted to testify.

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3. Within ten (10) days after the hearing, the Board shall ISSUE written findings of fact and if determined that the building is "dangerous and unsafe" shall issue an order demanding the owner, lessee, tenant, occupant and/or agent, to repair, vacate or demolish any building found to be a "dangerous and unsafe" building under this Ordinance.

4. NOTICE - In addition to the notice required by Section IV(A), the Code Enforcement Officer shall place on all buildings and structures found to be dangerous and unsafe a notice in a form substantially similar to the following:

NOTICE

This building has been found to be a dangerous and unsafe building by the Board of Supervisors of German Township. This Notice is to remain on this building/structure until it is repaired, vacated, or demolished in accordance with the Notice given to the Owner, occupant, lessee, mortgager or agent of this building. It is unlawful to remove this Notice until compliance is made under terms of this Notice and Notice of compliance is given to the Township.

SECTION V: STANDARDS

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A. REPAIR - If the dangerous and unsafe building/structure can be reasonably repaired within thirty (30) days so that it will no longer exist in violation of this Ordinance, it shall be ordered to be repaired within that time.

B. VACATION - If the dangerous and unsafe building is in such condition as to make it dangerous to the health, safety, morals, or general welfare of the occupants of the building or structure, it shall be ordered vacated without regard to whether it is to be repaired or demolished.

C. DEMOLITION - If the dangerous and unsafe building is fifty (50%) per cent or more damaged, decayed or deteriorated from its original value or if it cannot be repaired so that it will no longer exist in violation of this Ordinance, or if it is so dilapidated or in such state of disrepair that it constitutes a danger to the safety of the public or the general welfare of the neighborhood, it shall be ordered to be demolished.

D. FAILURE TO REPAIR - If the dangerous and unsafe building has not been repaired in accordance with the time for repair as stated in Section V(A) and is in such condition as to make it dangerous to the health, safety, morals or general welfare of the public, and the owner has not appealed the determination of the Board of Supervisors as hereinbefore mentioned, to the Court of Common Pleas as provided for by law, the Board of Supervisors shall have the authority to abate the condition in their discretion by repairing, removing or demolishing said building structure, or part thereof, or appurtenance thereto, the cost of which shall be taxable to the owner thereof as hereinafter stated.

SECTION VI: PENALTIES

A. 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 and unsafe building given under this Ordinance shall be subject to the applicable penalties provided under Ordinance No. 060804-3.

B. Any person removing the notice provided for in Section IV (B) (4) shall be subject to the applicable penalties provided under Ordinance No. 060804-3.

C. If the owner, etc. fails to comply with any notice under this Ordinance to repair, vacate or demolish any dangerous and unsafe building within thirty (30) days of receipt of such notice and the Township takes required action, the owner or other interested party shall be obligated to the Township for the cost of said action, together with a penalty of ten (10%) percent to be charged against the land on which the building existed and shall be entered as a Municipal Lien. This clause shall not preclude the Township from recovering said costs, penalty and interest in an action at law against the owner and shall not preclude the imposition of penalties as hereinbefore stated.

D. The penalties set forth herein are not exclusive and the only remedies available to the Township for violations of this ordinance. The Township reserves the right to undertake any action provided by law or in equity against any and all persons and or entities which violate any provision of this ordinance in addition to those "penalties" referenced and provided herein.

E. Each day's continuance of a violation after notice shall constitute a separate offense under this Ordinance.

SECTION VII: EMERGENCY

In cases wherein it reasonably appears that there exists an immediate danger of injury to the life or safety of any person caused or created by a dangerous and unsafe building, as herein defined, the Board of Supervisors shall cause the immediate repair, vacation or demolition of such condition. The cost of such emergency repair or demolition shall be collected as provided for in Section VI (C) with or without advance notice to the owner, mortgagee, lessee or other person who has an interest in the subject property.

SECTION VIII: SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such finding shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

SECTION IX: REPEALER

All Ordinance or parts of Ordinances which are inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into law by the Supervisors of the Township of German, in lawful session assembled this 9th day of July, 2013.

Robert Bell
Chairman

[Signature]
Supervisor

[Signature]
Supervisor

Attest:
[Signature]
Township Secretary

(Seal)

ORDINANCE 060804-3

AN ORDINANCE SETTING CRIMINAL AND CIVIL FINES AND PENALTIES FOR ALL PRE-EXISTING ORDINANCES.

BE IT ENACTED and ORDAINED by The Township of German, Fayette County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

1. PURPOSE AND INTENT. The purpose and intent of this ordinance is to revise and amend the provisions of each and every Ordinance of German Township which pre-date the effective date of this ordinance.

2. CRIMINAL PROSECUTION AND PENALTIES. For each and every Ordinance which regulates building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution, the manner and method of criminal prosecution and penalties for violations thereof shall be as follows:

As a summary offense, before a District Justice in the same manner provided for the enforcement of a summary offense under the Pennsylvania Rules of Criminal Procedure. Any person who shall violate or fail to comply with any of the provisions of an ordinance shall, upon conviction thereof, in a summary proceeding before a District Justice, be sentenced to pay a fine of not less than one hundred (\$ 100.00) dollars nor more than one thousand (\$1000.00) dollars, costs of prosecution, restitution and/or a term of imprisonment up to ninety (90) days, per violation. Each day that a violation continues shall constitute a separate offense

3. CIVIL ENFORCEMENT AND PENALTIES. For each and every Ordinance which does not qualify for criminal prosecution pursuant to 53 Pa.C.S.A. 66601(c.1)(2) or which, in the discretion of the prosecuting officer, enforcement thereof is not warranted by filing a summary offense, then enforcement shall be as follows:

As a civil action in law or in equity, before a District Justice in the same manner provided for under the Pennsylvania Rules of Civil Procedure of District Justice Rules. Any person who shall violate or fail to comply with any of the provisions of an ordinance shall be assessed a civil penalty of not less than one hundred (\$ 100.00) dollars nor more than six hundred (\$600.00) dollars, court costs, restitution and reasonable attorney fees incurred by the Township in the enforcement of proceeding, per violation. Each day that a violation continues shall constitute a separate offense.

4. ABROGATION. This ordinance supercedes any other confliction which may be in effect in any other ordinance heretofore adopted by the Township Supervisors.

5. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the ordinance which shall remain in full force and effect, and for this purpose, the provisions of this ordinance are declared to be severable.

APPROVED ON THE 8th DAY OF JUNE 2004 BY 3 AFFIRMATIVE
VOTES OF THE GERMAN TOWNSHIP SUPERVISORS.

EFFECTIVE ON THE 13th DAY OF JUNE, 2004.