

UNSAFE BUILDING ORDINANCE NO. 471. Purpose.

Unsafe buildings pose a threat to life and property in the Township of Westfall. Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. Debris, rubble or parts of buildings left on the ground and not removed constitute a dangerous, unhealthy condition. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Township of Westfall by requiring such unsafe buildings to be repaired or demolished and removed.

2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING - Any building, structure or portion thereof used for residential, business, industrial, recreational or other purpose.

BUILDING INSPECTOR - The Zoning Officer of Westfall Township or such other person appointed by the Westfall Township Supervisors to enforce the provisions of this chapter.

PORTION OF BUILDING OR STRUCTURE - Any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty.

UNSAFE BUILDING OR STRUCTURE - Any building or structure or portion thereof which:

- A. Because of its structural condition, is or may become dangerous or unsafe to the public, or
- B. Is open at the doorways or windows or walls, making it accessible to and an object of attraction to minors under eighteen (18) years of age, as well as to vagrants and other trespassers, or
- C. Is or may become a place of rodent infestation, or
- D. Consists of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty, or
- E. Presents any other danger to the health, safety, morals and general welfare of the public.

3. Maintenance of buildings and structures.

It shall be unlawful for any owner, tenant or occupant of any building or structure or portion of any building or structure in the Township of Westfall to maintain such building or structure or portion of any building or structure in any condition or manner which shall be unsafe as defined in Section 2 of this ordinance.

4. Investigation and report.

When, in the opinion of the Building Inspector, any building or structure located in the Township of Westfall shall be deemed to be dangerous or unsafe to the public as defined in Section 2, the Building Inspector shall make a formal inspection thereof and report in writing to the Westfall Township Supervisors his findings and recommendations in regard to the building's or structure's removal or repair, or such other action as he deems appropriate.

5. Order to repair; order of hearing.

The Westfall Township Supervisors shall thereupon consider said report, and, if it finds that such building or structure is dangerous and unsafe to the public, it shall, by resolution, order such action as it deems appropriate, including but not limited to its repair if the same can be safely repaired and, if not, its removal and demolition and shall further order that a hearing be held before the Westfall Township Supervisors at a time and place therein specified and on at least fourteen (14) days' notice to the owner of the building or structure or persons having an interest therein to determine whether said order shall be affirmed or modified or vacated and, in the event of modification or affirmance, to assess all costs and expenses incurred by the Township pursuant to said order against the land on which said building or structure is located. The order shall also provide that the action required under said order shall commence within thirty (30) days after service of notice and shall be completed within Ninety (90) days thereafter, unless the Supervisors deem otherwise for good reason.

6. Contents of notice.

The notice shall contain the following statements:

- A. The name of the owner or person in possession as appears from the tax and deed records.
- B. A brief description of the premises and its location.
- C. A description of the building or structure which is unsafe or dangerous and a statement of the particulars in which it is unsafe or dangerous.
- D. An order requiring the same to be made safe and secure or to be removed.
- E. That the securing or removal of said building or structure shall commence within thirty (30) days of the service of the notice and shall be completed within ninety (90) days thereafter.
- F. The time and place of the hearing to be held before the Westfall Township Supervisors, at which hearing the owner or occupant shall have the right to contest the order, and findings of the Westfall Township Supervisors.

G. That in the event that such owner, occupant, or other person having an interest in said premises shall fail to contest such order and fail to comply with the same, the Westfall Township Supervisors will order the repair or removal of such building or structure by the township and that the township will assess all costs and expenses incurred in such removal against the land on which such building or structure is located.

7. Service and filing of notice.

- A. A copy of said notice shall be personally served upon the owner or one of the owners, executors, legal representatives, agents, lessees or other person having a vested interest in the premises as shown on the County tax records or in the records in the Pike County Recorder of Deeds' Office.
- B. If no such person can be reasonably found for personal service, then a copy of said notice shall be mailed to such person by registered mail, addressed to his last known address, as shown on said records and by personally serving a copy of said notice upon any adult person residing in or occupying said premises or by securely affixing a copy of said notice upon said building or structure.

8. Hearing.

The Westfall Township Supervisor's shall conduct the public hearing at the time and place specified in the notice specified in Section 6. It may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the Hearing, the Westfall Township Supervisors shall determine by resolution to revoke the order to repair or remove, modify said order, or continue and affirm said order and direct the owner or other person to complete the work within the time specified in the order or such other time as shall be determined by the Westfall Township Supervisors. It shall not be required that a stenographic record of said hearing be supplied, but the Township Secretary shall keep minutes of the hearing.

9. Failure to comply.

In the event of the refusal, failure, or neglect of the owner or person so notified to comply with said order of The Westfall Township Supervisors within the time specified in said order and after the public hearing, the Westfall Township Supervisors shall provide that such building or structure be made safe and secure, or removed and demolished, by Township employees or by independent contractors. Except in emergency cases as herein provided, any contract for repair or demolishing and removal of a building or structure in excess of Four Thousand Five Hundred (\$4,500.00) Dollars shall be awarded through competitive bidding.

10. Assessment of expenses.

All expenses incurred by the Township in connection with the proceedings to repair and secure, or demolish and remove, the unsafe building, including the cost of actually removing such building, plus a penalty of ten (10%) percent thereof, plus interest, shall be assessed against the land on which such building is located and shall be levied and collected

in the manner as provided by law for the collection of municipal claims, or by an action of assumpsit, and the Township may seek relief by a bill in equity.

11. Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety, or health of any person or property unless an unsafe building or structure is immediately repaired and secured or demolished, the Westfall Township Supervisors may, by resolution, authorize the Building Inspector to immediately cause the repair or demolition of such unsafe building or structure. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in Section 10 hereof.

12. Violation and Penalties.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be punishable by a fine of not more than Three Hundred (\$300.00) Dollars, plus costs of such proceedings, or, upon default of payment of such fines and costs of such proceedings, by imprisonment in the County Jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense.

13. Effective Date.

This Ordinance shall take effect five (5.) days after the date of its adoption.

WESTFALL TOWNSHIP

George E. Decker Sr

Supervisor

Doug Hay

Supervisor

M. C. Perah

Supervisor

Attest:

Beverly A. Quirk
Secretary

DATE: AUGUST 6, 1985