

Part 2

Dangerous Structures

§201. Title.

This Part shall be known as the "Housing Ordinance."

(Ord. 69-1, 7/8/1969, §1)

§202. Definitions.

The following terms, whenever used in this Part, have the meanings indicated in this section, except where the context indicates a clearly different meaning.

BUILDING – a roofed structure, enclosed by one or more walls, for the shelter, housing, storage or enclosure of persons, goods, materials, equipment or animals, including but not limited to dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school, or similar structure.

COURT – an open and unoccupied space on a lot enclosed on at least three sides by the walls of a building.

DANGEROUS BUILDING – all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

1. Those 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 gravity falls outside of the middle third of its base.
2. Those which, exclusive of the foundation, show damage or deterioration to 33% of the supporting member or members or damage or deterioration to 50% of the nonsupporting 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

PREMISES – the ground, yard, lawn or court, or the private way, walk, alley or approach used or intended to be used in connection with a dwelling, building or the like.

REFUSE – all putrescible and nonputrescible solid waste, including garbage, rubbish, ashes, dead animals and market and industrial wastes.

RUBBISH – 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.

UNOCCUPIED HAZARD – any building or part thereof or man-made structure which remains unoccupied for a period of more than six months, with either doors, windows, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work has been performed for a period of more than six months.

YARD – any open space on the same lot with a building and for the most part unobstructed from the ground up.

(Ord. 69-1, 7/8/1969, §2; as amended by Ord. 1985-2, 8/12/1985; and by Ord. 90-1, 4/30/1990)

§203. Dangerous Buildings Declared Nuisances.

All dangerous buildings within the terms of §202 of this Part are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as herein provided.

(Ord. 69-1, 7/8/1969, §3; as amended by Ord. 1984-4, 10/29/1984, §1; and by Ord. 90-1, 4/30/1990)

§204. Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the Enforcement Officer of the Township in ordering repair, vacation, or demolition:

1. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.
2. If a dangerous building 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 30 days, as is reasonable.

- (2) Except emergency cases, and all other cases where the owner, occupant, lessee, or mortgagee is absent from the Township, 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, 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.

E. May 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 hereto.

3. Appear at all hearings conducted by the Township Supervisors and/or any and all other hearings as may be held under the circumstances and testify as to the condition of dangerous buildings or structures.
4. Enforce this Part in accordance with its regulations and amendments and supplements thereto.
5. File any and all actions, citations, criminal complaints and the like that are deemed necessary and appropriate under the circumstances for purposes of obtaining compliance and/or enforcement and to do so in the name of and on behalf of the Township of Smith.

(Ord. 69-1, 7/8/1969; as amended by Ord. 1984-4; and by Ord. 90-1, 4/30/1990)

§206. Hearings.

1. 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 Township Board of Supervisors, provided that such persons shall file with the Township Board of Supervisors a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the Township Board of Supervisors shall set a time and place for such hearing, which may be held at a regularly scheduled public meeting, and shall give the petitioner written notice of the date and time of place 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 30 days after the day on which the petition was filed. Furthermore, the person requesting said hearing shall be required, prior to the date and time of said hearing, to tender a fee or payment equal to the amount of the cost of advertising the same. The Board of Supervisors, by and through its Secretary, shall notify said applicant of the amount of said fee or costs as soon as possible under the circumstances. Failure of the Township to notify the applicant of the costs and/or fee

§209. Abatement by the Township.

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the Enforcement Officer within the time specified in the notice issued by the Enforcement Officer, the Enforcement Officer shall cause such building or structure or condition to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided. The Township may collect the cost of such repair, vacation or demolition, together with a penalty of 10% of such cost, in the manner provided by law.

(Ord. 1984-4, 10/29/1984, §6; as amended by Ord. 90-1, 4/30/1990)

§210. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000, plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 69-1, 7/8/1969, §9; as amended by Ord. 1985-2, 8/12/1985; and added by Ord. 90-1, 4/30/1990; as amended by Ord. 97-5, 11/19/1997)