

**PENN TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 2015-06**

**AN ORDINANCE PROVIDING FOR THE VACATING, REMOVAL, REPAIR OR
DEMOLITION OF ANY STRUCTURE DANGEROUS TO THE HEALTH, SAFETY,
MORALS OR GENERAL WELFARE OF THE PEOPLE OF PENN TOWNSHIP**

WHEREAS, in the Township of Penn, Cumberland County in the Commonwealth of Pennsylvania, there are or may be in the future structures and/or fencing that are dilapidated, unsafe, dangerous, unsanitary, or any two or more from among these; and

WHEREAS, these aforementioned buildings or structures and/or fencing constitute a menace to the health, morals, safety and general welfare of the people to the Township; and

WHEREAS, these aforementioned buildings or structures and/or fencing constitute a public nuisance and may also tend to constitute a fire menace;

NOW THEREFORE, Be It Resolved that:

The Board of Supervisors of Township of Penn, Cumberland County, Pennsylvania, enacts and ordains as follows:

**SECTION 1
SHORT TITLE**

This ordinance shall be known as and may be cited as "Penn Township Dangerous Structure Ordinance."

**SECTION 2
APPLICATION**

This ordinance shall apply uniformly to all persons, business organizations, nonprofit organizations, and all other legal entities; and, it shall apply uniformly to all property and all property owners within the Township of Penn.

SECTION 3
DEFINITIONS AND WORK USAGE

Unless otherwise specifically defined below, words or phrases used herein shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the ordinance its most reasonable application consistent with its intent.

The word "shall" is always mandatory and not merely directory.

- A. The word "Board" shall mean the Board of Supervisors of the Township of Penn (see "Township" herein below).
- B. The word "Township" shall mean the Township of Penn, County of Cumberland in the Commonwealth of Pennsylvania.
- C. The words "dangerous structures" shall mean all buildings or structures or fencing, including but not limited to residences, dwellings, garages, sheds, outhouses, fencing, barns, commercial buildings, and industrial buildings, which has one or more of the following defects:
 - 1. Those which have been damaged by fire, wind, or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation:
 - 2. Those which have been damaged by fire, wind, or other cause so as to have become dangerous to the life and safety, morals or the general health and welfare of the occupants or other people of the Township;
 - 3. Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living so that they are unfit for human habitation;
 - 4. Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living are likely to cause accidents, sickness, or disease, so as to work injury to the health, morals, safety, or general welfare of the people of the Township;
 - 5. Those which have parts thereof which are so attached that they might fall and injure members of the public or cause damage to adjoining property; or
 - 6. Those, which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Township.

Words used in the present text include the future and past, words in the plural number include the singular, words in the singular number include the words in the plural, and words either in the feminine, masculine or neuter, shall include words of the other two genders.

SECTION 4
DANGEROUS STRUCTURES AS NUISANCES

- A. All “dangerous structures” are hereby declared to be public nuisances and shall be repaired, vacated or demolished.
- B. Each day a nuisance in the form of a “dangerous structure” continues, after notice is given pursuant to Section 7 of this ordinance that said dangerous structure is to be repaired, vacated or demolished, shall continue a separate offense in violation of this ordinance.

SECTION 5
INVESTIGATION PROCEDURE

Anyone reporting a dangerous structure to the Township shall do so by written letter or by filling out a Township Complaint Form and submitting it to the Township Office. Upon receipt of the Complaint it will be given to a Township Codes Officer who will immediately conduct an investigation. If not a severe and immediate danger to Health, Fire or Life Safety the Codes Officer shall present a report to the Board of Supervisors at the next regularly scheduled meeting. If such investigation or examination indicates such structure to be a “dangerous structure” and the owner, after written notification of such determination, takes no action to correct, the Board shall designate a construction code official or independent contractor to conduct an on-site investigation or examination, accompanied by a Pennsylvania certified constable, and issue a written report of such investigation, which shall be sent to the Board, specifying the exact condition of such structure and setting forth whether or in which respect the structure is dangerous and whether the structure and setting forth whether or in what respect the structure is dangerous and whether the structure is capable of being properly repaired or whether it shall be removed as a “dangerous structure”. If the written report establishes that the structure is a “dangerous structure”, the costs of such report and the costs of the constable’s service shall be the responsibility of the owner and may be recovered in accordance with Section 8, Penalties.

SECTION 6
STANDARDS FOR REPAIR, VACATION, OR DEMOLITION

The following standards shall be followed by the Board in ordering the repair, vacation or demolition of a dangerous structure:

- A. If the “dangerous structure” can be repaired as determined by the Board so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered to be repaired.
- B. If the “dangerous structure” is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.
- C. If the “dangerous structure” cannot be reasonably repaired as determined by the Board, it shall be demolished and the debris from such demolition shall be properly disposed of in accordance with all applicable laws and regulations. In addition, after the demolition and debris removal have been completed, the ground disturbed by such demolition and debris removal shall be returned to grade with clean fill, seeded and mulched.
- D. If the “dangerous structure” is a fire hazard or is existing or erected in violation of the terms of this ordinance, any other ordinance of the Township, or any statute of the Commonwealth of Pennsylvania, it shall be demolished and the debris from such demolition shall be properly disposed of in accordance with all applicable laws and regulations. In addition, after the demolition and debris removal have been completed, the ground disturbed by such demolition and debris removal shall be returned to grade with clean fill, seeded and mulched.

SECTION 7
ENFORCEMENT PROCEDURES

- A. If any structure is deemed to be a “dangerous structure” pursuant to the standards of this ordinance, the Board shall forthwith cause notice to be served upon the owner or owners of such dangerous structure as determined by the records in the Office of the Recorder of Deeds/Tax Assessment Office in and for the County of Cumberland, or failing to find any owner or owners, then such notice shall be posted on the property for a period of not less than ten (10) days and mailed to the last known address of the owner.
- B. The notice required by this section shall be sent by certified mail to the owner or owners of a dangerous structure at the last known address according to the records in the Tax Assessment Office in and for the County of Cumberland.

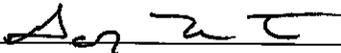
- C. Such notice shall identify the structure deemed dangerous, contain a statement of the particulars which made this structure a dangerous structure, and include an order requiring the same to be put in such condition as to conform with the terms of this ordinance; provided further in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure in lieu of making the repairs thereto within the time period provided.
- D. Such notice shall require any person notified to repair, vacate or demolish any structure to commence the work or act required by the notice within ten (10) days of such notice and to comply with such repair, vacation, or demolition within sixty (60) days from the receipt of such notice.

SECTION 8
PENALTIES

- A. All fines provided for in this section shall be in addition to costs.
- B. Any person who shall fail to comply with any notice or order to repair, vacate, or demolish any dangerous structure, which notice is served in accordance with this ordinance shall, upon conviction before a District Justice, be subject to a fine of three hundred (\$300.00) dollars. Every day that a person fails to comply with any notice or order to repair, vacate or demolish any dangerous structure shall be deemed a separate violation of this ordinance.
- C. Any person who wrongfully removes the notice provided for in Section 7 (a) shall, upon conviction before a District Justice, be subject to a fine of one hundred (\$100.00) dollars.
- D. Any person having an interest in any structure who fails to comply with any notice or order to repair, vacate or demolish any dangerous structure within sixty (60) days of the receipt of such notice, by such failure, does hereby empower the Board to cause such structure to be repaired, vacated, or demolished by the Township and to cause the costs of such repair, vacation or demolition to include costs of an independent contractor, together with a penalty of ten (10%) percent to be charged upon the land upon which the structure exists as a municipal lien, or alternatively to recover such costs and penalty together with reasonable attorney fees incurred by the Township, in a suit at law against the owner or owners, but failing to recover same, the judgement therefore shall be charged upon the land as a lien; and, this subsection is separate from an in addition to the fine, penalty, and costs which may be imposed by any other subsection of this ordinance.

DULY ENACTED AND ORDAINED this 13th day of August, 2015, by the Board of Supervisors of Penn Township, Pennsylvania in public session duly assembled.

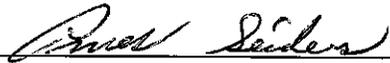
**PENN TOWNSHIP
CUMBERLAND COUNTY,
PENNSYLVANIA**



GARY MARTIN, Chairman

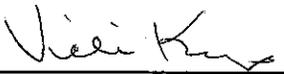


KENNETH SHEAFFER, Vice Chairman



AMOS SEIDERS, Supervisor

ATTEST:



VICKI KNEPP, Secretary