

ORDINANCE NO. 1- 2016

**CUMBERLAND TOWNSHIP
GREENE COUNTY, PENNSYLVANIA**

AN ORDINANCE OF CUMBERLAND TOWNSHIP, GREENE COUNTY, PENNSYLVANIA, PROVIDING FOR THE VACATING, REMOVAL, REPAIR, OR DEMOLITION OF ANY STRUCTURES DANGEROUS TO THE HEALTH, MORALS, SAFETY, OR GENERAL WELFARE OF THE PEOPLE OF CUMBERLAND TOWNSHIP; AND FOR THE ASSESSMENT OF THE COST OF VACATION, REMOVAL, REPAIR, OR DEMOLITION THEREOF AS A MUNICIPAL LIEN OR ASSESSMENT AGAINST SUCH PREMISES; PROVIDING FOR THE RECOVERY OF SUCH COSTS IN AN ACTION AT LAW; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

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

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

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

AND NOW, THEREFORE, pursuant to the Second Class Township Code, as amended, the Board of Board of Supervisors of Cumberland Township hereby enact and ordain by their authority of the same, as follows:

SECTION I: SHORT TITLE

This ordinance shall be known as and may be cited as "Cumberland 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 Cumberland Township.

SECTION 3: DEFINITIONS AND WORD 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.

- A. The word "shall" is always mandatory and not merely directory.
- B. The word "Board of Board of Supervisors" shall mean the Board of Supervisors of Cumberland Township (see "Township" herein below).
- C. The word "Township" shall mean the Cumberland Township, County of Greene in the Commonwealth of Pennsylvania.
- D. The words "dangerous structures" shall mean all buildings or structures, including but not limited to residences, dwellings, garages, sheds, outhouses, barns, commercial buildings, and industrial buildings, which have 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 of this ordinance that said dangerous structure is to be repaired, vacated, or demolished, shall constitute a separate offense in violation of this Ordinance.

SECTION 5: INVESTIGATION PROCEDURE

Whenever it shall be reported or come to the attention of any Township official that any structure, completed or in the process of construction, or any portion thereof, is in a dangerous condition, such person shall report same to the of Board of Supervisors in person at a regularly scheduled Township meeting or by written letter, signed by the complainant, identifying the property in question, naming the property owner, and briefly explaining the nature of the dangerous structure. The Board of Supervisors shall immediately designate a Township official, employee, or construction code official to make an investigation and examination of such structure. If such investigation or examination indicates such structure to be a "dangerous structure", a written report of such investigation shall be sent to the Board of Supervisors, specifying the exact condition of such 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".

SECTION 6: STANDARDS FOR REPAIR, VACATION, OR DEMOLITION

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

- A. If the "dangerous structure" can be repaired as determined by the Board of Supervisors 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 of Supervisors, 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: DUTIES OF ENFORCEMENT OFFICER

- A. The enforcement 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 this Ordinance.
- B. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the enforcement officer shall issue a written notice to the person or persons responsible thereof. The notice:
 1. Shall be in writing.
 2. Shall include a statement of the reasons it is being issued.
 3. Shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure.
 4. Shall be served upon the owner, or his agent, or the occupant, as the case may require.
 - a. Except in emergency cases and except where the owner, occupant, lessee or mortgage is absent from Township , 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 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 emergency cases, in all other cases where the owner, occupant, lessee or mortgagee is absent from 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 building, as shown by the record 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.
 5. May contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and with the rules and regulations adopted pursuant thereto.

- C. The enforcement officer shall appear at all hearings conducted by the Board of Supervisors and testify as to the condition of dangerous buildings.

SECTION 8: HEARINGS

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance may request and shall be granted a hearing on the matter before the Board of Supervisors; provided, that such person shall file with Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. Upon receipt of such petition, Township 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 the enforcement notice should be modified or withdrawn. The hearing shall commence not later than thirty (30) days after the day on which the petition was filed.

SECTION 9: REMOVAL OF NOTICE PROHIBITED

No person shall remove or deface the notice of dangerous building, except as provided in this Ordinance.

SECTION 10: EMERGENCY CASES

Whenever the enforcement officer finds that an emergency exists which requires immediate action to protect the public health, he 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 Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this Ordinance have been complied with, the enforcement officer shall continue such order in effect, or modify, or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

SECTION 11: 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 six hundred (\$600.00) 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 9 of this Ordinance shall, upon conviction before a District Justice, be subject to a fine of one hundred (\$100.00) dollars.

SECTION 12: ABATEMENT BY CUMBERLAND 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 him and no petition for a hearing is filed within ten (10) days thereafter, or following a hearing by the Board of Supervisors where the order is sustained thereby, the enforcement officer shall cause such building or structure to be repaired, vacated or demolished, as determined by the Board of Supervisors in accordance with the standards hereinbefore provided. Except that the Township may not repair, vacate or demolish all or part of the building or structure unless it first holds a hearing upon procedures set forth (regardless of whether the person affected by any order chooses to appear), to hear the evidence regarding whether a building or structure is dangerous and whether the nuisance can be abated by repairing, vacating, or demolishing the structure or building. The Township may collect the cost of such repair, vacation, legal costs and/or demolition together with a penalty of 10% of such cost, in the manner provided by law. Or the Township may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

SECTION 13: SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Cumberland Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION 14: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

SECTION 15: REPEALS

All ordinances or part of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.


ORDAINED AND ENACTED INTO LAW by the Board of Supervisors of
6th June
Cumberland Township, Greene County Pennsylvania, this _____ day of _____,
2016.

ATTEST:

CUMBERLAND TOWNSHIP


Debra Rush, Secretary/Treasurer

BY: 
William C. Groves, Chairman

BY: 
William H. Nicholson, Vice Chairman

BY: 
James M. Sokol