

COPY

ORDINANCE NO. 2006-3
OF
SOUTH FRANKLIN TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

SOUTH FRANKLIN TOWNSHIP
HADZARDOUS AND NONCONFORMING BUILDING ORDINANCE

**AN ORDINANCE OF SOUTH FRANKLIN TOWNSHIP REQUIRING THE
REMOVAL OR REPAIR OF HADZARDOUS OR NONCONFORMING
BUILDINGS OR STRUCTURES SITUATE IN SOUTH FRANKLIN
TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA;
PRESCRIBING PENALTIES FOR VIOLATION THEREOF: PROVIDING
FOR ENFORCEMENT, INCLUDING BUT NOT LIMITED TO
DEMOLITION.**

WHEREAS, in the Township of South Franklin, Washington County, Pennsylvania, there are and may be in the future, buildings or structures which are nonconforming pursuant to the Township Zoning Code and/or dilapidated, unsafe, dangerous, unsanitary, and/or a menace to the health, morals, safety and general welfare of the people of the Township and which might tend to constitute a fire menace and/or which are a public nuisance, and

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of South Franklin Township, Washington County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1: Title. This Ordinance shall be known as the South Franklin Township's Dangerous Building Ordinance.

Section 2: Definitions. The Following terms, whenever used in this Ordinance, have the meaning indicated in this Ordinance, except where the context indicates a clearly different meaning.

BUILDING: A roofed structure, enclosed by one (1) 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 an lot enclosed on at least two (2) sides by the walls of a building or buildings.

DWELLING: Any structure, including but not limited to a mobile home, initially constructed and/or subsequently remodeled or altered with the intention of providing human occupancy.

DANGEROUS STRUCTURE: Any building, dwelling, structure or unoccupied hazard which have any of the following defects shall be considered dangerous:

A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumbline passing through the center of gravity falls outside the middle third of its base.

B. Those which, exclusive of the foundation, show damage or deterioration to thirty-three percent (33%) of the support members(s), or damage or deterioration to fifty percent (50%) of the non-supporting enclosing or outside walls or covering.

C. 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.

D. Those which have been damaged by fire, wind or other cause so as to be dangerous to life, safety or the general health and welfare of the occupants or the public.

E. 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 sickness or disease, so as to work injury to the health, safety, or general welfare of those living therein.

F. Those which may have parts thereof which are so attached that they may fall and injure property or members of the public.

G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the occupants or the public.

H. Those which because of their location are unsanitary, or otherwise dangerous to the health or safety of the occupants or the public.

I. Those existing in violation of any other provision or provisions of any other Ordinances or Amendments to Ordinances of South Franklin Township that pertain to health, safety and/or welfare in regards to building structures and/or the like.

J. Those existing in violation of the Uniformed Construction Code, as now in existence or as is subsequently amended, the Property Maintenance Code as is now in existence and/or as may be amended, and the International Fuel Gas Code as is now in existence or as may be amended, and any Ordinances of South Franklin Township as now in existence and/or as may be amended that pertain to the same.

GARBAGE: Putresible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

DWELLING UNIT: A room or group of rooms located within any dwelling and forming a single habitable unit with facilities for living, sleeping, cooking, and eating.

INFESTATION: The presence of insects, rodents, vermin and/or other pests.

LOT: Plot, tracts, premises, or parcel of land, with or without improvements thereto.

NONCONFORMING BUILDING OR STRUCTURE: Any building or structure as defined herein which is determined to be nonconforming building or structure pursuant to the Township's Zoning Ordinance.

OWNER: A person, corporation or legal entity who alone or jointly or severally with others:

- A. Has title to a structure, either with or without possession of the structure; or
- B. Has charge, care or control of a structure either as agent of the Owner or as Administrator, Administratrix, executor, executrix, or guardian of the estate of the owner, or Trustee: or
- C. Is the Lessee of the structure where the structure is a two (2) family structure, multiple structure or rooming house.

PERSON: A natural person, corporation, partnership, association or any other identifiable legal entity.

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 non-combustible 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 can, 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 (6) months, with either doors, window, or other openings broken, removed, boarded or sealed up, or any building under construction upon which little or no construction work as been performed for a period of more than six (6) months.

YARD: Any open space on the same lot with a building and, for the most part, unobstructed from the ground up.

Section 3: Dangerous Buildings Declared as Nuisances. All dangerous buildings within the terms of Section 2 of this Ordinance are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided.

Section 4: Standards for Repair, Vacation or Demolition. The following standards shall be followed in substance by the Enforcement Office of South Franklin Township, Zoning Officer of the Township, and/or such other person as designated by the Board of Supervisors of South Franklin Township by Resolution in ordering the repair, vacation or demolition:

A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered to be repaired.

B. 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 thirty (30) days, or as is otherwise reasonable.

C. No structure or structure unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the official designated by the Board of Supervisors to enforce this Ordinance. The person delegated to enforce this Ordinance shall remove such placard whenever the defect(s) upon which the placarding action were based have been eliminated.

D. If a dangerous building is fifty (50%) percent or more damaged or decayed, or deteriorated from its original condition; if a dangerous building cannot be repaired so that it will no longer exist in violation of the terms of this Ordinance; or if a dangerous building is a fire hazard existing or erected in violation of the terms of this Ordinance or any other Ordinance of South Franklin Township or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance

exceed fifty (50%) percent of the market value of the building at the time demolition is proposed.

Section 5: Duties of the Enforcement Officer:

A. The Enforcement Officer, Zoning Officer, Police Officer or person designated by Resolution of the Board of Supervisors to enforce this Ordinance shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist that render such premises dangerous within the terms of Section 2 above.

B. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the Enforcing Officer shall issue a written notice to the person(s) responsible therefore. 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 where the owner, occupant, lessee, or mortgagee is absent from the municipality of South Franklin Township, all notices shall be deemed to be properly served upon the owner, occupant, or other person having an interest in the dangerous building, or structure, if a copy thereof is served upon him personally, or if a copy thereof is posted in an conspicuous place in or about the structure affected by the notice; or if he is served with such notice by other method authorized or required under the laws of this Commonwealth.

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

(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 hereto.

C. Appear at all hearings conducted by South Franklin Township Board of 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.

D. Enforce this Ordinance in accordance with its regulations and amendments and supplements thereto.

E. File any and all actions, citations, criminal complaints and the like that are deemed necessary and appropriate under the circumstance for purposes of obtaining the compliance and/or enforcement and to do so in the name of the and on behalf of the Township of South Franklin.

Section 6: Hearing:

A. Any person affected by a 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; provide, that such person shall file with the Township a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the date the notice was served or posted. Upon receipt of such petition, the Board of Supervisors of South Franklin 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, time and 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 thirty (30) days after the date in 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 costs of advertising the same. The Board of Supervisors, by and through its Secretary, shall notify said applicant of the amount of said fee or cost as soon as possible under the circumstances. Failure of the Township to notify the applicant of the costs and/or fee prior to the date of the hearing shall absolve the applicant or person requesting said hearing from paying the same.

B. After such hearing, the Board of Supervisors shall sustain, modify, or withdraw the notice. If the Board of Supervisors sustains or modifies such notice, it shall be deemed a final decision and an Order. Any notice served pursuant to this Section shall automatically become an Order if written petition for a hearing is not filed within ten (10) days after such notice is served or if the advertising fee or costs is not paid by the date of hearing.

C. Any aggrieved party may appeal the final Order to the Court of Common Pleas of Washington County in accordance with the provisions of the Rules of Court and/or the Rules of Civil Procedure.

Section 7: Removal of Notice Prohibited. No person shall remove or deface the notice of dangerous building or other notice except as otherwise provided in Section 4.

Section 8: Emergency Cases: Whenever the official designated to enforce this Ordinance or Board of Supervisors finds that an emergency exists which requires immediate

action to protect public health, he, she or it 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 an Order is directed shall comply therewith immediately, but upon petition to the Board of Supervisors 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 Board of Supervisors shall continue such Order in effect, or modify or revoke it. The cost of such emergency repair, vacation or demolition of such dangerous building, structure or condition shall be collected in the same manner as provided herein for other cases.

Section 9: Abatement by the Township: If the owner, occupant, mortgagee and/or person responsible for the building, structure or condition fails to comply with the Order of Enforcement within the time specified in the notice issued by the appropriate Township official or Board of Supervisors, the person designated with the authority to enforce this Ordinance or Board of Supervisors shall cause such building, structure or condition to be repaired, vacated or demolished, as the facts may warrant, under the standards hereinbefore provided. The Board of Supervisors shall collect the cost of such repair, vacation or demolition together with a penalty of ten (10%) percent of such cost in the manner provided by law.

Section 10. Penalties: Any person who shall violate any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars, and/or to undergo imprisonment for a

term not to exceed thirty (30) days . Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.

Section 11: This Ordinance shall be enforced in conjunction with any and all other Ordinances of South Franklin Township pertaining to health, safety and the general welfare.

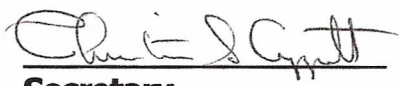
Section 12: If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provision, sentences, clauses, or sections of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of South Franklin Township that it would have adopted the same had such unconstitutional, illegal or invalid sentence, clause or part thereof not been included therein.

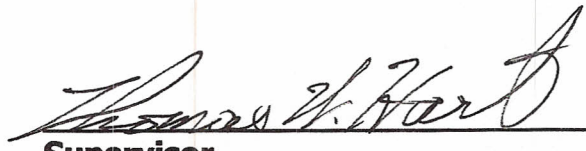
ORDAINED AND ENACTED THIS 14th DAY OF DECEMBER, 2006.

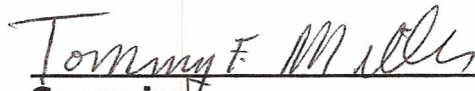
SOUTH FRANKLIN TOWNSHIP


CHAIRMAN – BOARD OF SUPERVISORS

ATTEST:


Secretary


Supervisor


Supervisor