

ORDINANCE NO. 2015-02 <sup>#</sup>34

AN ORDINANCE OF MONTGOMERY TOWNSHIP, COUNTY OF INDIANA, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE REPAIR, DEMOLITION, AND/OR VACATING OF ANY STRUCTURES DANGEROUS TO THE HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF MONTGOMERY TOWNSHIP AND SETTING FORTH THE PROCEDURES AND RULES FOR DETERMINING DANGEROUS STRUCTURES AS WELL AS PROVIDING FOR PENALTIES FOR A VIOLATION OF THE ORDINANCE

Be it ordained and enacted by the Board of Supervisors of Montgomery Township, Indiana County, Pennsylvania, it is hereby ordained and enacted as follows:

**Section 1. Title**

This ordinance shall be known and cited as the Montgomery Township Dangerous Building Ordinance.

**Section 2. Declaration of Policy.**

Montgomery Township desires to regulate dilapidated, unsafe, dangerous, and abandoned buildings which tend to constitute a public nuisance and fire hazard.

**Section 3. Application.**

This Ordinance shall apply uniformly to all persons, businesses, organizations, non-profit organizations, and all other legal entities; and the properties within Montgomery Township.

**Section 4. Definitions and Word Usage.**

a. 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.

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

c. The word "Board of Supervisors" shall mean the existing elected or appointed members of the Montgomery Township Board of Supervisors.

d. The word "Township" shall mean the Montgomery Township, Indiana County, Commonwealth of Pennsylvania.

e. The words "dangerous buildings" shall mean all the buildings or structures which have any or all of the following defects; and all such buildings or structures shall be deemed "dangerous buildings" as:

1. Those which have been damaged by fire, wind, or other cause so as to fail 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 the people of the Township.
3. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which is so 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 are so fail to provide the amenities essential to decent living and are likely to cause accidents, sickness, or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein or other citizens of the Township.
5. Those which have parts thereof which are so attached that they might fall and injure members of the public or 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.

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

## **Section 5. Dangerous Buildings as Nuisances**

- a. All dangerous buildings are hereby declared to be public nuisances and shall be repaired, vacated, and/or demolished.
- b. Each day that a dangerous buildings continues in the same or worse condition after notice is given to repair, demolish, and/or vacate shall constitute a separate offense of this Ordinance.

## **Section 6. Investigation Procedure**

Whenever it is reported or comes to the attention of any person, citizen, Township official, or police officer that any building or structure is in a dangerous condition, such person shall report the same to the Township Board of Supervisors.

The Township Board of Supervisors shall then designate a Township official or a representative to make an investigation, examine the building or structure, and make a report to the Board of Supervisors. Such official shall notify the Board of Supervisors of the findings of the investigation specifying the condition of the structure and in what respect it is considered dangerous. Such person may recommend whether the building is to be repaired, demolished, and/or vacated.

## **Section 7. Procedure Before the Board of Supervisors**

The Board of Supervisors shall:

- a. Upon receipt of a report in accordance with the investigation procedure provided hereinabove in Section 6 of this Ordinance, give written notice to the owner or owners of such dangerous buildings as determined by a review of the records in the Indiana County Assessment Office and Recorder of Deeds Office. Upon failure to find any owner or owners, then notice shall be given to the occupant, mortgagee, lessee, agent, and such other person as determined to have an interest in the dangerous building. The notice shall inform the owner or other party to appear before the Board of Supervisors on a date specified in the notice to show cause why the building or structure reported as a dangerous building should not be repaired, demolished, and/or vacated in accordance with the written report to the Board of Supervisors pursuant to Section 6 of this Ordinance.
- b. Such person or persons shall appear before the Board of Supervisors at the next regularly scheduled meeting occurring at least ten (10) days after the notice is provided to present any information that person or persons may deem relevant to the issue whether the building should be repaired, demolished, and/or vacated.
- c. Make a determination at such meeting whether the building is a dangerous building and determine whether it needs to be repaired, demolished, and/or vacated. The Board of Supervisors may on its own motion delay making a determination until the next regularly scheduled meeting.
- d. Issue an Order and notify the owners or such other interested party whether the building is a dangerous building and also advise whether it needs to be repaired, demolished, and/or vacated.

## **Section 8. Standards for Repair, Demolition, and/or Vacation**

The following standards shall be substantially followed in determining whether to repair, demolition, and/or vacation dangerous building:

- a. If the dangerous building can be repaired, it shall be ordered to be repaired.
- b. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, and shall be ordered to be vacated.
- c. If the dangerous building cannot be reasonably repaired as determined by the Board of Supervisors, it shall be demolished.
- d. If the dangerous building constitutes a substantial fire hazard, it shall be demolished.



## **Section 9. Enforcement Procedures**

If any structure is deemed to be a dangerous building within the standards of this Ordinance by the Board of Supervisors, the Secretary of the Township shall send a notice to the owner or owners of the building as determined by the records at the Courthouse as well as any known occupant, lessee, agent, or mortgagee of or for the dangerous building.

The notice and order required by this section shall be served personally upon the owner or owners of a dangerous building if such owner resides, or such owners, reside in the Township or personally upon his/her agent if such agent resides within the Township. If personal service required herein cannot be obtained, such notice shall be sent to the owner or owners of a dangerous building by certified mail at the last known address according to the records available in the Tax Office and the Office of Recorder of Deeds of Indiana County.

The notice shall identify the building or structure deemed dangerous; provide a statement of the particulars, and shall provide whether such building needs to be repaired, demolished, and/or vacated.

The notice and order shall require any person so notified to repair, demolish, and/or vacate such dangerous building in accordance with the order within thirty (30) days of receipt of the order. If the dangerous building shall be demolished, any and all materials from the demolished structure and/or building shall be cleaned up and removed from the property within sixty (60) days from receipt of the order.

## **Section 10. Penalties**

Any owner, occupant, or lessee who is in possession of any dangerous building who shall fail to comply with any notice or order to repair, demolish and/or vacate any dangerous building issued under Section 9 of this Ordinance or who violates any of the other provisions of this Ordinance, shall, upon conviction in a summary proceeding brought in the name of the Township before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than Three Hundred (\$300.00) nor more than Six Hundred Dollars (\$600.00) and the costs of prosecution and reasonable attorney's fees. In default of payment of the fine and costs, the person may be sentenced to imprisonment for a term of not to exceed ninety (90) days. Each violation of this Ordinance and each day or portion thereof in which a violation of this Ordinance is found to exist shall constitute a separate offense, for which a summary conviction may be sought.

If the occupant, owner or lessee fails to comply with the Order in a timely manner, the Board of Supervisors is empowered to cause such building or structure to be repaired, demolished, and/or vacated. The Board of Supervisors shall be entitled to be reimbursed for all of the expenses plus ten (10%) percent and to place upon the property a municipal lien, or in the alternative, to recover such costs through an action at law or in order to vacate the property through an action in equity. This subsection is separate from, and in addition to, the fine and costs that may be imposed by any other section of this Ordinance.

### Section 11. Emergency Cases

In cases where it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous building, the Board of Supervisors shall cause the dangerous property to be immediately repaired or demolish for the property to be vacated. The costs of such emergency repair, demolition, and/or vacation of such dangerous building shall be collected as provided for in Section 10 of this Ordinance.

### Section 12. Repeal

All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

### Section 13. Severability.

The provisions of this ordinance are severable and if any section, subsection, clause, sentence, or part thereof shall be held or declared illegal, invalid, or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining sections, subsections, clauses, sentences, or parts thereof of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, subsection, clause, sentence, or part thereof had not been included herein.

### Section 14. Effective date.


This ordinance shall become effective immediately upon enactment and shall continue thereafter for all calendar years unless repealed or modified by an ordinance passed by Board of Supervisors.

ENACTED, ADOPTED AND ORDAINED this 07 day of OCTOBER, 2015.

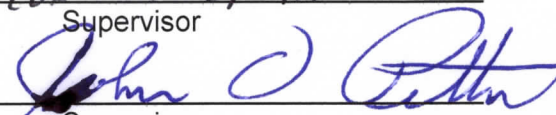
ATTEST:

MONTGOMERY TOWNSHIP

  
Secretary

By:   
Chairman

  
Supervisor

  
Supervisor