

BOROUGH OF ORWIGSBURG

Schuylkill County, Pennsylvania

ORDINANCE NO. 233

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA, RELATING TO NUISANCES AND DANGEROUS STRUCTURES AND REQUIRING THE REMOVAL, REPAIR OR DEMOLITION OF DANGEROUS OR DILAPIDATED STRUCTURES BY THE OWNERS OR BY THE BOROUGH, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED and ORDAINED by the Borough Council and the Mayor of the Borough of Orwigsburg, Schuylkill County, Pennsylvania and it is hereby enacted and ordained by the authority of the same, as follows:

SECTION 1. This Ordinance shall be known and may be cited as The Dangerous and Dilapidated Structure Ordinance.

SECTION 2. All dangerous or dilapidated structures as defined herein are hereby declared to be public nuisances, and the owner thereof shall be responsible for the removal, repair or demolition as provided herein.

SECTION 3. A structure whether completed or in the process of construction or any part of the whole or any part thereof, shall be deemed to be a dangerous or dilapidated structure if any of the following conditions are found to exist with respect thereto:

A. The structure as a result of damage by fire, wind or other cause constitutes a fire hazard or is dangerous to the life, safety or general welfare of any of the residents of the Borough.

B. The structure has become dilapidated or decayed to such an extent as to be unsafe, unsanitary or likely to cause accident, sickness or disease to those living therein or to other residents of the Borough.

C. The Structure or any part thereof is likely to fall and injure members of the public or adjoining property.

D. The general condition of the structure is such that it has become unsafe, unsanitary or a danger to the health, safety or general welfare of the residents of the Borough.

E. A structure is abandoned or vacant and is without adequate means of protection from fire or other hazard, including but not limited to the maintenance of fire protection equipment such as sprinkler systems, fire extinguishers and the like in proper working order at all times.

SECTION 4. Whenever the Borough Council shall receive a report that a structure is a dangerous or dilapidated structure or building as defined herein, from any Borough Official Zoning Enforcement Officer or police officer with the knowledge thereof, the Council shall immediately cause an investigation and examination to be made of said structure. The investigators may, but are not required to be, the Fire Chief or other Borough officials appointed to do so, and shall thereafter submit a written report to the Council, specifying the exact condition of the structure, in which respect the structure is dangerous or dilapidated, and whether the structure can be repaired or must be removed or demolished.

SECTION 5. If any structure is deemed to be dangerous or dilapidated and a report thereof is filed with the Borough Council by the Fire Chief or other designated Borough official, the Borough Council shall give written notice to the owner, occupant or lessee and all other persons having an interest in said structure as shown by the records of the Recorder of Deeds of Schuylkill County, setting forth in what respect the structure is dangerous or dilapidated, and

directing that the repair, removal or demolition must be commenced within ten (10) days of such notice and completed within thirty (30) days thereof. Said notice shall set forth the penalties that may be attached for the failure to comply with the direction of Borough Council, and advise all persons having an interest in the property of their right to request a hearing to show cause why the council's directive should be set aside by notifying the Council of their request for a hearing within ten (10) days following the receipt of said notice.

A. If no hearing is requested within the time specified the decision of Council shall be final.

B. If a hearing is timely requested by any person having an interest in said structure, all persons having such an interest shall be notified by Council of the date and time of a hearing

C. The first notice required by this section shall be served personally upon the owner of the structure if the owner resides in the Borough or personally upon the owner's agent or lessee, if such person resides in the Borough. If such personal service cannot be obtained, notice shall be sent to the owner by Certified Mail at the last known address thereof, and all other notices required by this Ordinance shall be by Certified Mail at the last known address thereof.

D. In the event of a hearing as provided herein, any person in interest shall be permitted to offer testimony and cross-examine witnesses and to be represented by counsel. Following such hearing the Council shall make written findings of fact based on the testimony offered at the hearing and

issue an order based upon said findings of fact.

SECTION 6. If the owner of any structure deemed to be dangerous or dilapidated by the Borough Council shall fail to comply with an order or notice of the Council for the repair, removal or demolition of said structure within the time specified in said order or notice, said owner shall be in violation of this Ordinance, and upon conviction thereof before any District Magistrate be sentenced to pay a fine or not more than Three Hundred (\$300.00) Dollars and the costs of prosecution, and in default of payment thereof, shall be subject to imprisonment in the Schuylkill County Prison for a period not to exceed thirty (30) days. Each day's continuance of a violation shall constitute a separate offense. Penalties contained herein are in addition to any other remedies provided by this Ordinance.

SECTION 7. The requirements and provisions of this Ordinance, and the penalties thereof, shall also apply to a condition deemed to be dangerous, or a nuisance, which is being maintained anywhere on such premises, including, but is not limited to, obstructions on the sidewalks, alleyways and streets of the Borough, accumulations of garbage, rubbish and storage of abandoned or junked automobiles, tires and the like

SECTION 8. If the owner or any other person having an interest in a structure deemed to be dangerous or dilapidated fails to comply with any notice or order of the Borough Council to remove or demolish said structure within thirty (30) days thereafter, the Council of the Borough is empowered to cause such structure to be vacated, removed, repaired or demolished by the Borough and its agents and employees, and to cause such costs incurred thereby, together with the penalty of ten (10%) percent to be charged against the land on which the structure existed as a municipal lien, and/or to recover

such costs and penalty in a suit at law against the owner of other persons having an interest in the structure, PROVIDED THAT THE RECOVERY of such costs and penalty may be in addition to the penalty imposed in other sections of this Ordinance.

SECTION 9. The Borough by means of a Complaint in Equity filed in the Court of Common Pleas of Schuylkill County, may compel the owner to remove, repair or alter the premises as the case may be, or seek such other relief as the Court is empowered to afford, but the remedies provided in this section are not mutually exclusive and may be employed simultaneously or cumulatively.

SECTION 10. Nothing herein contained shall be construed as a limitation of the power of appropriate Borough officials to take such emergency action as may be necessary to deal with a condition which poses a grave and immediate danger to persons or property.

SECTION 11. The provisions of this Ordinance are severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 12. This Ordinance shall become effective upon its adoption by the Borough Council of Orwigsburg.

SECTION 13. All Ordinances or parts of Ordinances of the Borough of Orwigsburg, in conflict herewith, are hereby expressly repealed.

DULY REPRESENTED, ORDAINED and ENACTED into an ordinance this  
27<sup>th</sup> day of June, A.D., 1979, by the Council of the  
Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful  
session duly assembled.

BOROUGH OF ORWIGSBURG  
Schuylkill County, Pennsylvania

ATTEST:

BY: *Chris Estoye*  
President of Council

*Anna L. Sheffek*  
Secretary

EXAMINED and APPROVED this 27<sup>th</sup> day of June, A.D., 1979.

*Mayor Walter A. Pessumel*  
MAYOR of the Borough of Orwigsburg  
Schuylkill County, Pennsylvania