

ORDINANCE NO. 4-94

AN ORDINANCE OF THE BOROUGH OF COCHRANTON PROVIDING FOR THE VACATION, REMOVAL, REPAIR OR DEMOLITION OF ANY STRUCTURES DANGEROUS TO THE HEALTH, MORALS, SAFETY OR GENERAL WELFARE OF THE PEOPLE OF THE BOROUGH OF COCHRANTON AND FOR THE ASSESSMENT OF THE COSTS 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, the Council of the Borough of Cochranon has determined that buildings or structures which are dilapidated, unsafe, dangerous, or unsanitary present a menace to the health, morals, safety and general welfare of the people of the Borough.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Cochranon, Crawford County, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED as follows:

SECTION I

DEFINITIONS

DANGEROUS BUILDINGS OR STRUCTURES:

A. Those which have been damaged by fire, wind, or any other cause, whether natural, intentional, reckless or negligent, so as to have become dangerous to the life, safety, morals, or the general health and welfare of the occupants or the people of the Borough of Cochranon;

B. Those which have become or are so 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;

C. Those which 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 to other citizens of the Borough;

D. Those which have parts thereof which might fall and injure members of the public or damage adjoining property;

E. Those which because of their general condition are determined to be unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the Borough;

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

G. Those which, exclusive of the foundation, show damage or deterioration to thirty-three percent (33%) of the supporting member or members, or damage or deterioration to fifty percent (50%) of the nonsupporting enclosing or outside walls or covering;

H. 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. These determinations shall be made using construction, engineering or architectural standards.

STRUCTURES:

Anything constructed or erected on or in the ground with a fixed or ascertainable location on the ground or in water, whether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs, walks, wells, pits, foundations or excavations.

SECTION II

DANGEROUS BUILDINGS AS NUISANCES

All "dangerous buildings or structures" within the terms of Section I of this Ordinance are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

SECTION III

INVESTIGATION PROCEDURES

Whenever it shall be reported to the Borough Manager or come to the attention of any Borough Official or police officer that any building or structure, completed or in the process of construction, or any portion thereof, is in a dangerous condition, an investigation and examination shall be made of such building or structure by the Borough Manager, a Borough police officer, a Borough employee (if authorized by Council or the Borough Manager), by a duly appointed committee comprised of members of the Borough Council or an individual with experience in construction or engineering.

If such investigation and examination indicates the building or structure to be dangerous in accordance with the standards of Section I of this Ordinance, a written report of such investigation shall be submitted to the Borough Council and to the Borough Manager. The report shall specify the condition of such building or structure and set forth in what respect the structure is dangerous. Further, the report shall state whether a structure is capable of being properly repaired or whether it should be removed.

SECTION IV

NOTICE OF VIOLATION

A. Upon receipt of the written report of a possible violation of this Ordinance, the Borough Manager shall give written notice by certified mail, return receipt requested, to the owner, occupant, mortgagee, lessee and all persons believed to have an interest in the property, occupant, mortgagee, lessee and all other persons believed to have an interest in the property, including those individuals shown to have an interest in the property according to the records in the office of the Recorder of Deeds of Crawford County. In the event that the owner, occupant, lessee, mortgagee or any other person resides in the Borough of Cochran, personal service of the written Notice may be made.

B. The written Notice shall direct that the addressee appear before the Council at a time, date and place specified in the written Notice. Further, the Notice shall advise the addressee that the hearing is based upon an investigation and examination of the property. The Notice shall list all of the known possible violations of this Ordinance and identify the building or structure involved. Further, the Notice shall advise the addressee of the right to appear before the Borough Council and to show cause why the building or structure should not be repaired, vacated or demolished. Further, the Notice shall advise that the addressee has the right to correct and repair any possible violations of this Ordinance prior to the date set forth in the Notice.

C. In addition to a written notice either served personally or by certified mail, the property shall be posted with a notice reading substantially as follows:

"This building may be determined to be a dangerous building by the Borough Council of the Borough of Cochran. This Notice is to remain on this building until it is repaired, vacated or demolished in accordance with the Notice which has been given to the owner, occupant, lessee, mortgagee or agent of this building. It is unlawful to remove this Notice. Any person removing the Notice shall, upon conviction, be subject to a fine and cost for a summary violation not exceeding Fifty (\$50.00) Dollars and costs."

SECTION V

HEARING

A. At the time set forth for the hearing, the Council shall take testimony from any witnesses and receive evidence regarding any alleged violations of this Ordinance. A tape recording of the proceedings shall be kept. All testimony shall be presented under oath.

B. At the conclusion of the testimony, Council shall, within thirty (30) days, make written Findings of Fact. A copy of the Findings of Fact shall be delivered to all persons who had received written notice of the hearing.

C. At the time the written Findings of Fact are adopted, an order based upon the Findings of Fact shall be issued directing that the owner, occupant, mortgagee, lessee or any other person having an interest in the said property repair, vacate or demolish any building to be found to be a dangerous building and found to be in violation of this Ordinance.

D. The Order shall direct that the building or structure be repaired so that it will no longer exist in violation of the terms of this Ordinance, if it is determined that it can reasonably be repaired.

E. If the condition of the building or structure is found to be dangerous to the health, morals, safety or general welfare of its occupants, the Order shall direct that the premises be vacated until such time as it has been repaired and determined to no longer be in violation of this Ordinance. An Order to Vacate shall specify a length of time within which the building shall be vacated as maybe reasonable, with such time not to exceed thirty (30) days. Any order to repair shall specify that the work shall be commenced within ten (10) days of the service of the Order and the work shall be completed within thirty (30) days after the commencement of the work.

F. If the building or structure is not able to be reasonably repaired, the Order may direct that the building be demolished. A building shall be ordered demolished if fifty percent (50%) or more is damaged, decayed or deteriorated from its original condition provided, however, it shall only be ordered demolished if the cost of repair exceeds fifty percent (50%) of the market value of the building. Further, it shall be ordered demolished if it cannot be repaired so that it will no longer exist in violation of this Ordinance. Further, a building shall be ordered demolished if it is

a fire hazard. The Order shall direct who will be responsible for the payment of any demolition. The Order shall also state the date by which the building must be demolished, which date shall not exceed thirty (30) days from the date of service of the Order.

G. A property owner shall have the option of removing any building or structure in lieu of making any necessary or required repairs.

SECTION VI

PENALTIES

A. The owner, occupant, mortgagee, lessee or any other person who shall fail to comply with any Notice or order to repair, vacate or demolish any such dangerous building given by any person authorized by this Ordinance, or any regulation or order issued thereunder, shall upon conviction before a District Justice, be subject to a fine for a summary violation not exceeding Three Hundred (\$300.00) Dollars and costs. The Council may, by resolution, increase the maximum amount of a fine to be imposed under the terms of this Ordinance. Each day's continuance of a violation shall constitute a separate offense. The penalties contained in this Ordinance are in addition to any other remedies provided by this Ordinance.

B. Any person removing the Notice provided for in Section VI, Sub-Section "E" hereof, shall upon conviction before the District Justice, be subject to a fine for a summary violation not exceeding Fifty (\$50.00) Dollars and costs. The Council, may by resolution, increase the maximum amount of the fine to be imposed under the terms of this Ordinance.

C. If the owner, occupant, mortgagee, lessee or any other person having an interest in said building fails to comply with any Notice or order to repair, vacate or demolish any dangerous building with thirty (30) days, the Borough Council is empowered to cause such building or structure to be repaired, vacated or demolished by the Borough. The costs of such repair, vacation or

demolition, together with a penalty of ten percentum (10%) shall be charged against the land on which the building existed as a municipal lien. Interest at the legal rate shall be added to any municipal lien. The costs of such repair, vacation or demolition, together with the penalty and interest, may be recovered in a suit at law against the owner or other such person having an interest in the building. The recovery of such cost and expense, together with the penalty and interest, may be in addition to any other penalties imposed pursuant to the provisions of this Ordinance or any other law or ordinance.

SECTION VII

EMERGENCY SITUATIONS

In cases wherein it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a "dangerous building or structure" as defined herein, the Council may cause the immediate repair, vacation or demolition of such dangerous building. The Council may direct that the emergency be corrected, or may rectify the public nuisance by repair, vacation or demolition. The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected, together with a penalty of ten percent (10%) of such costs, in the manner as provided by law.

Any such person to whom an emergency order has been directed shall comply with the direction immediately. However, a hearing shall be held before the Borough Council at the next regularly scheduled Council Meeting, if not sooner. At the time of the hearing, the Emergency Order shall be continued, modified or revoked.

An emergency order shall be delivered to any or all persons having an interest in the property that can be found and promptly notified. An emergency order will remain in effect even if all individuals have not been notified.

SECTION VIII

SEVERABILITY

If a 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 provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

THIS ORDINANCE ORDAINED AND ENACTED INTO LAW THIS 7TH day of March, 1994.

Borough of Cochranon:

Kathleen A. Bauer

Council President

ATTEST:

Frances McClain

Borough Secretary

Examined and approved this

day of March, 1994.

Richard E. Lawhead

Mayor