

ORDINANCE NUMBER 75

GREENE TOWNSHIP, PIKE COUNTY, PENNSYLVANIA

AN ORDINANCE PROVIDING FOR THE VACATION, REMOVAL, REPAIR, OR DEMOLITION OF ANY STRUCTURES DANGEROUS TO THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE PEOPLE OF GREENE TOWNSHIP: AND REQUIRING THE REPAIR OR REMOVAL OF ANY SUCH STRUCTURES, ON PUBLIC OR PRIVATE GROUNDS, BY THE OWNERS THEREOF, AND AT THE EXPENSE OF OWNERS FAILING OR REFUSING TO DO SO: PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

The Board of Supervisors of Greene Township, Pike County, Pennsylvania, does hereby enact and ordain as follows:

SECTION 1: All buildings or structures, which have any of the following defects, shall be deemed "dangerous buildings":

- A. Those, which have been damaged by fire, wind, or other causes so as to have become dangerous to the life, safety or the general health and welfare of the occupants or the people of Greene Township;
- B. Those, which have become or are so dilapidated, decayed, unsafe, unsanitary, rodent infested or so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause accidents, sickness, or disease;
- C. Those, which have parts thereof, which are so attached that they might fall and injure members of the public or adjoining property;
- D. Those, which because of their general condition are unsafe, unsanitary or dangerous to the health or general welfare of the people of Greene Township.

SECTION 2: All "dangerous buildings" within the terms of Section 1 of this Ordinance are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinafter provided.

SECTION 3: Any complaints regarding "dangerous buildings" shall be reported to the Township Secretary during regular business hours or at the regular monthly Township meeting. At that time, the Secretary shall report the complaint to the Solid Waste Coordinator. If any structure, completed or in the process of construction, or any portion thereof, is in a dangerous condition, the Board of Supervisors shall immediately cause an investigation to be made by the Solid Waste Coordinator of such structure. If such investigation or examination indicates such structure to be dangerous in any respect, a written report of such investigation shall be submitted to the Board of Supervisors, specifying the exact condition of such structure, setting forth in what respect the structure is to be considered dangerous, and whether such structure is capable of being properly repaired or whether it should be removed as a dangerous structure. Should the Solid Waste Coordinator require consultation or certification on a structure from the Township Engineer, the service may be requested without prior approval.

SECTION 4: If any structure is deemed to be a "dangerous building", as defined in Section 1, the Board of Supervisors shall forthwith cause written notice to be served upon the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the records of the Recorder of Deeds in Pike County or through other knowledge of occupancy or use of the structure. The notice shall be served personally upon such owner or interested parties as heretofore mentioned, if that party resides in the Township. If personal service as required herein cannot be obtained or if said parties reside outside the Township, such notice shall be sent to the owner or such other interested parties by certified return receipt requested mail at the last known address thereof.

SECTION 5: Such notice shall require the owner or interested parties to commence the repair or removal of such building within thirty (30) days of such notice and to complete such repair or removal within sixty (60) days thereof, or to vacate the said building within the sixty (60) day period. PROVIDED: in any case where the notice prescribes the repair of any structure, the owner thereof shall have the option to remove such structure in lieu of making the repairs thereto, within the above stated time limit, reporting weekly to the Solid Waste Coordinator.

SECTION 6: All debris of said structure shall be disposed of in a manner consistent with the current Department of Environmental Protection (DEP) regulations. A letter from DEP shall be forwarded to the Greene Township Board of Supervisors stating that said disposal is in compliance prior to commencing work. Also, all removal, storage and disposal shall be in compliance with the current Greene Township Solid Waste Ordinance. The provisions of this section shall be the responsibility of the owner or interested party.

SECTION 7: Penalties for violations:

A. The owner, occupant, mortgagee, lessee, or any other person who shall fail to comply with any notice to repair, vacate, or demolish any such dangerous building shall be guilty of a summary offense, and, upon conviction before a District Justice, be subject to a fine not exceeding one thousand dollars (\$1000.00) and costs of prosecution, and in default of payment, shall be subject to imprisonment in the Pike County Jail for a period not exceeding thirty (30) days. PROVIDED: each day's continuance of a violation shall constitute a separate offense; PROVIDED, further, that if this penalty is in excess or contrary to that permitted by law, the lower penalty shall apply

B. If the owner, occupant, mortgagee, lessee, or any other party having an interest in said building fails to complete or commence such repair or removal within the time limit prescribed by such notice, the Board of Supervisors shall be empowered to seek an appropriate order from the Court of Common Pleas and to take appropriate action under the Pennsylvania Municipal Lien Law. PROVIDED: the recovery of such cost and expense, together with the penalty, may be in addition to the penalty imposed in Subsection A of this Section.

SECTION 8: EMERGENCY CASES: 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" as defined herein, the Board of Supervisors shall cause the immediate vacation, repair or removal of such dangerous building by court injunction. The cost of such emergency repair, vacation or removal of such dangerous building shall be collected in the manner provided by law.

SECTION 9: Severability: This Ordinance is severable and should any section or provision thereof be declared invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the rest of the Ordinance as a whole and it is hereby declared to be the intent of the Board of Supervisors that this Ordinance is adopted as if such unconstitutional, illegal or invalid provision had not been included therein.

SECTION 10: Repealer: This Ordinance is intended to repeal such prior ordinances, resolutions, and regulations of Township, which are specifically inconsistent with the provisions herewith. This Ordinance is intended to replace Ordinance number 65.

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SECTION 11: ENACTMENT:

DULY ENACTED AND ORDAINED this *2nd* day of *April* 2003, by the Board of Supervisors of the Township of Greene, Pike County, Pennsylvania. This Ordinance shall become effective five (5) days after its adoption.

MARY ANN HUBBARD, Chairperson

Mary Ann Hubbard

THOMAS HETTES, Supervisor

Thomas Hettes

EDWARD SIMON, Supervisor

Edward H. Simon

ATTEST:

Linda J. Kramer
Secretary