

CHAPTER V
BUILDINGS AND STRUCTURES

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Section 101. Short Title. This Chapter shall be known as and may be cited as "Tilden Township Dangerous Buildings Ordinance." (Ordinance No. 100, April 12, 1994, Section 1)

Section 102. Application. This Chapter shall apply uniformly to all persons, business organizations, nonprofit organizations, and all other legal entities; and, it shall apply uniformly to all property and all property owners within the Township of Tilden. (Ordinance No. 100, April 12, 1994, Section 1)

Section 103. 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 Chapter its most reasonable application consistent with its intent.

(b) The word 'shall' is always mandatory and not merely directory.

(c) The word 'Board' shall mean the Board of Supervisors of the Township of Tilden, County of Berks in the Commonwealth of Pennsylvania.

(d) The word "Township" shall mean the Township of Tilden, County of Berks in the 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":

(1) Those which have been damaged by fire, wind or other cause so as to fail utterly 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 so utterly 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 so utterly fail to provide the amenities essential

to decent living and are likely to cause accidents, sickness or disease so as to cause injury to the health, morals, safety or general welfare of those living therein as well as 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 the words in the plural, and words either in the feminine, masculine or neuter shall include words of the other two genders.

(Ordinance No. 100, April 12, 1994, Section 3)

Section 104. Dangerous Buildings as Nuisances.

(a) All "dangerous buildings" are hereby declared to be public nuisances and shall be repaired, vacated or demolished.

(b) Each day a nuisance in the form of a "dangerous building" continues, after notice is given that said dangerous building is to be repaired, vacated or demolished, shall constitute a separate offense in violation of this Chapter.

(Ordinance No. 100, April 12, 1994, Section 4)

Section 105. Investigation Procedure. Whenever it shall be reported or come to the attention of any Township official or police officer that any building or structure, completed or in the process of construction, or any portion thereof is in dangerous condition, such person shall report same to the Board and the Board shall immediately designate a Township official, employee or police officer to make an investigation and examination of such building or structure. If such investigation or examination indicates such building or structure to be a "dangerous building," a written report of such investigation shall be sent to the Board, specifying the exact condition of such building or structure and setting forth whether or in what respect the structure is dangerous and whether the structure is capable of being properly repaired or whether it shall be removed as a "dangerous building." (Ordinance No. 100, April 12, 1994, Section 5)

Section 106. Hearing Procedure. The Board of Supervisors of the Township shall:

(a) Upon receipt of a report in accordance with the investigation procedure provided for hereinabove in Section 105 of this Chapter, give written notice to the owner or owners of such dangerous building as determined by the record in the Office of the Recorder of Deeds in and for the County of Berks in the Commonwealth of Pennsylvania, or failing to find any owner or owners, then such occupant, mortgagee, lessee, agent or any other person with an interest in said dangerous building who may be located, to appear before the Board on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, demolished or vacated in accordance with the statement of particulars set forth in the notice provided for herein;

(b) Within not less than ten (10) or more than sixty (60) days from the date of such notice hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or other person having an interest in said building shall offer related to the "dangerous building";

(c) Within thirty (30) days of such hearing, make written findings of fact from the testimony offered pursuant to the hearing as to whether or not the building in question is a "dangerous building;" and

(d) Within not more than thirty (30) days following the hearing provided for by subsection 106(b) hereof, issue an order based upon findings of fact made pursuant to subsection 106(c) hereof, demanding the owner of said building to repair, demolish or vacate any building found to be a "dangerous building."

(Ordinance No. 100, April 12, 1994, Section 6)

Section 107. Standards for Repair, Vacation or Demolition. The following standards shall be followed in substance by the Board in ordering repair, vacation or demolition of a dangerous building:

(a) If the "dangerous building" can be repaired as determined by the Board so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered 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, it shall be ordered to be vacated.

(c) If the "dangerous building" cannot be reasonably repaired as determined by the Board, it shall be demolished.

(d) If the "dangerous building" is a fire hazard or is existing or erected in violation of the terms of this Chapter, any other ordinance of the Township or any statute of the Commonwealth of Pennsylvania, it shall be demolished.

(Ordinance No. 100, April 12, 1994, Section 7)

Section 108. Enforcement Procedures.

(a) If any structure is deemed to be a "dangerous building" within the standards of this Chapter, the Board shall forthwith cause notice to be served upon the owner or owners of such dangerous building as determined by the record in the Office of the Recorder of Deeds in and for the County of Berks in the Commonwealth of Pennsylvania, or failing to find any owner or owners, then such occupant, mortgagee, lessee, agent or any other person with an interest in said dangerous building who may be located.

(b) The notice required by this section shall be served personally upon the owner or owners of a dangerous building if such owner or owners reside in the Township, or personally upon his 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 Assessment Office in and for the County of Berks in the Commonwealth of Pennsylvania.

(c) Such notice shall identify the building or structure deemed dangerous, contain a statement of the particulars which made this building or structure a dangerous building and include an order requiring the same to be put in such condition as to conform with the terms of this Chapter; provided further 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 time period provided.

(d) Such notice shall require any person notified to repair, vacate or demolish any building to commence the work or act required by the notice within ten (10) days of such notice and to comply with such repair, vacation or demolition within sixty (60) days from the receipt of such notice.

(e) The Board shall cause to be placed on all dangerous buildings a notice reading substantially as follows:

"This building has been found to be a dangerous building by the Board of Supervisors for the Township of Tilden, County of Berks in the Commonwealth of Pennsylvania. 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 the building. It is unlawful to remove this notice until compliance is made under the terms contained in the notice served on the above named party."

(Ordinance No. 100, April 12, 1994, Section 8)

Section 109. Penalties. Any Person, partnership, corporation or other entity who or which has failed to comply with any notice or order to repair, vacate or demolish any dangerous building, which notice is served by any person authorized to do so by the Board of Supervisors, shall, upon being found liable therefor in an action brought before a District Justice 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 at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense.

Any Person, partnership, corporation or other entity who or which has removed the notice provided for in Section 108(e) of this Chapter shall, upon being found liable therefor in an action brought before a District Justice 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 at least One Hundred and 00/100 Dollars (\$100.00) not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense.

All judgments provided for in this section shall be in addition to costs.

Any Person, partnership, corporation or other entity who or which has an interest in any building and has failed to comply with any notice or order to repair, vacate or demolish any dangerous building within sixty (60) days of the receipt of such notice, by such failure, does empower the Board to cause such building or structure to be repaired,

vacated or demolished by the Township and to cause the costs of such repair, vacation or demolition together with a penalty of ten percent (10%) to be charged upon the land upon which the building exists as a municipal lien, and to recover such costs and penalty in a suit at law against the owner or owners but failing to recover same to have the judgment therefor to be charged upon the land as a municipal lien; and, this paragraph is separate from and in addition to any judgment which may be imposed by this Section. (Ordinance No. 100, April 12, 1994, Section 9; As amended by Ordinance No. 113, March 4, 1997, Section 9)

Section 110. 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 building, the Board may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected as provided for in Section 108(d) of this Chapter. (Ordinance No.100, April 13, 1994, Section 10)

Section 111. Severability.

(a) In the event of any provision, section, sentence, clause, or part of this Chapter being held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Chapter, it being the intent of the Township that such remainder shall be and shall remain in full force and effect and for this purpose the provisions of this Chapter are hereby declared to be severable.

(b) In the event of any legislation by the Commonwealth of Pennsylvania becoming effective dealing with the same or similar subject matter as that included herein, such shall remain in full force and effect if it is more restrictive, and not inconsistent with such legislation, but, if such legislation is more restrictive than inconsistent with, or both, then this Chapter shall be interpreted according to such legislation and shall be superseded to the extent necessary to give such legislation appropriate effect. However, all the remainder of the Chapter shall be and shall remain in full force and effect and for this purpose the provisions of this ordinance are hereby declared to be severable.

(Ordinance No. 100, April 12, 1994, Section 11)