

ORDINANCE NO. 85

AN ORDINANCE OF THE TOWNSHIP OF BARRETT, MONROE COUNTY, PENNSYLVANIA, PROVIDING FOR THE REMOVAL, REPAIR, OR DEMOLITION OF ANY STRUCTURES DANGEROUS TO THE HEALTH, MORALS, SAFETY, OR GENERAL WELFARE OF THE PEOPLE OF THE TOWNSHIP OF BARRETT; FOR THE ASSESSMENT OF THE COST OF 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, in the Township of Barrett there are and may be in the future, buildings or structures which are dilapidated, unsafe, dangerous, unsanitary, and a menace to the health, morals, safety, and general welfare of the people of the Township, and which might tend to constitute a fire menace and which are a public nuisance;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Barrett, Monroe County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows.

SECTION 1. DANGEROUS OR DILAPIDATED BUILDINGS DEFINED.

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

(a) Those which have been damaged by fire, wind, or other cause 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 Township of Barrett;

(b) Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which 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, so as to work injury to the health, morals, safety, or general welfare of those living therein as well as other citizens of the Township;

(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, dangerous, unsanitary, or a menace to the health, morals, safety, or general welfare of the people of the Township of Barrett.

SECTION 2. DANGEROUS BUILDINGS AS NUISANCES.

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

SECTION 3. INVESTIGATION PROCEDURES.

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 a dangerous condition, such person having knowledge thereof shall report same to the Board of Supervisors, and the Board shall immediately cause an investigation and examination to be made of such building or structure. If such investigation or examination indicates such building or structure to be dangerous in accordance with the standards of Section 1 of this Ordinance, a written report of such investigation shall be submitted to the Board of Supervisors, 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 structure.

SECTION 4. HEARING PROCEDURES.

The Board of Supervisors shall:

(a) Upon receipt of a report in accordance with Section 3 of this Ordinance, give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by land records in the Office of the Recorder of Deeds of Monroe County, 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 removed, repaired, or demolished in accordance with the statement of particulars set forth in the Notice provided for herein in Section 6, Paragraph (c);

(b) Hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee, or any other person having an interest in said building, shall offer relative to the "dangerous building";

(c) Make written findings of fact from the testimony offered pursuant to Paragraph (b) as to whether or not the building in question is a "dangerous building" within the terms of Section 1 hereof;

(d) Issue an order based upon findings of fact made pursuant to Paragraph (c) of this Section demanding the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building to remove, repair, or demolish any building found to be a "dangerous building" within the terms of this Ordinance.

SECTION 5. STANDARDS FOR REMOVAL, REPAIR, OR DEMOLITION.

The following standards shall be followed in substance by the Board of Supervisors in ordering removal, repair, or demolition:

(a) If the dangerous or dilapidated building can be repaired as determined by a Committee composed of the Zoning Officer and all members of the Board of Supervisors, so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered repaired;

(b) If the dangerous or dilapidated building is in such condition as to make it unsafe and dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered vacated;

(c) In any case where a dangerous or dilapidated building or structure cannot be reasonably repaired as determined by a Committee as provided in Paragraph (a) of this Section, it shall be demolished. In cases where a dangerous or dilapidated building or structure is a fire hazard existing or erected in violation of the terms of this Ordinance or any Statute of the Commonwealth of Pennsylvania, it shall be demolished.

SECTION 6. ENFORCEMENT PROCEDURES.

(a) If any structure is deemed to be a "dangerous building" within the standards set forth in Section 1 of this Ordinance, the Board of Supervisors shall forthwith cause written notice to be served upon the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the deed of registration in the Office of the Recorder of Deeds of Monroe County, of any such dangerous building.

(b) The Notice required by this Section shall be served personally upon the owner of a dangerous building if the owner resides in the Township or personally upon his agent if such agent resides within the Township of Barrett. If personal service as required herein cannot be obtained

or if the owner resides outside of the Township, such Notice shall be sent to the owner of a dangerous building by Registered Mail at the last known address thereof.

(c) The Notice shall identify the building or structure deemed dangerous and contain a statement of the particulars which made this building or structure a dangerous building, and an Order requiring the same to be put in such condition as to comply with the terms of the Order issued under this Ordinance, provided in any case where the Notice prescribed 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 limits hereinafter set forth.

(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 thirty (30) days of such notice and to complete such repair or removal within ninety (90) days thereof.

(e) The Board of Supervisors 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 of the Township of Barrett. 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, mortgagee, lessee, or agent of this building. It is unlawful to remove this Notice until compliance is made under the terms contained and the Notice given to the above named party."

SECTION 7. PENALTIES.

(a) The owner, occupant, mortgagee, lessee, agent, 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 Magistrate be subject to a fine not exceeding Three Hundred (\$300.00) Dollars and costs. Each day's continuance of a violation shall constitute a separate offense. Penalties contained in this Section are in addition to any other remedies provided by this Ordinance.

(b) Any person removing the Notice provided for in Section 6, Paragraph (e) hereof, shall upon conviction before the District Magistrate, be subject to a fine not exceeding Fifty (\$50.00) Dollars and costs for each offense.

(c) If the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by deed of registration in the Office of the Recorder of Deeds of Monroe County, fails to comply with any Notice or Order to repair, vacate, or demolish any dangerous building within ninety (90) days, the Board of Supervisors is empowered 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 (10%) per centum to be charged against the land on which the building existed as a municipal lien, or to recover such costs 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, may be in addition to the penalty imposed in Paragraphs (a) and (b) 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 shall 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 in the same manner as provided for in Section 7, Paragraph (c).

SECTION 9. SEVERABILITY.

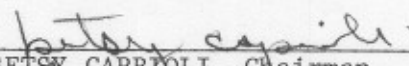
If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

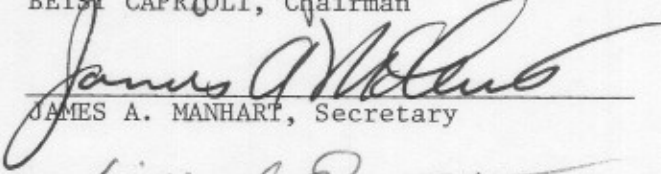
SECTION 10. REPEALING CLAUSE.

Any Ordinance or part of Ordinance or Resolution heretofore adopted by the Township Supervisors is hereby repealed insofar as the same conflicts with or affects this Ordinance.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Barrett, Monroe County, Pennsylvania, this 17th day of November, 1982.

TOWNSHIP OF BARRETT


BETSY CAPROLI, Chairman


JAMES A. MANHART, Secretary


WILLIAM J. EVERETT, Roadmaster

(TOWNSHIP SEAL)

