

CHAPTER 4

BUILDINGS

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ORDINANCE NO. 1075 -- 2013

AN ORDINANCE OF THE BOROUGH OF PHILIPSBURG, CENTRE COUNTY, PENNSYLVANIA, AMENDING PHILIPSBURG BOROUGH CODE CHAPTER 4 ENTITLED "BUILDINGS" BY AMENDING THE IDENTITY OF PERSONS CHARGED WITH ENFORCEMENT OF SAME.

BE IT ENACTED AND ORDAINED by the Phillipsburg Borough Council, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: Subsection A of Part 1, Section 102, entitled "Standards for Repair, Vacation or Demolition," of Chapter 4 of the Phillipsburg Borough Code is hereby amended by replacing the current subsection A with the following:

- A. If the dangerous or dilapidated building can be repaired as determined by a certified Uniform Construction Code Building Inspector, Certified Structural Engineer or Certified Real Estate Appraiser so that it will no longer exist in violation of the terms of this Part, it shall be ordered repaired.

SECTION 2: Subsection C of Part 1, Section 104, entitled "Duties of the Building Inspector," of Chapter 4 of the Phillipsburg Borough Code is hereby amended by replacing the current subsection C with the following:

- C. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire Department of this Borough as probably existing in violation of this Part.

SECTION 3: Part 1, Section 112, entitled "Duties of the Police Department," of Chapter 4 of the Phillipsburg Borough Code is hereby deleted in its entirety.

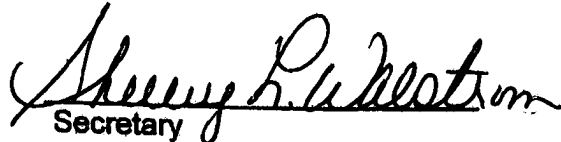
SECTION 4: Any Ordinance or parts of Ordinances of the Borough of Philipsburg, Centre County Pennsylvania, conflicting with this Ordinance or any part thereof is hereby repealed insofar as the same affects this Ordinance.

SECTION 5: The effective date of this Ordinance shall be ten (10) days after the date of enactment thereof.

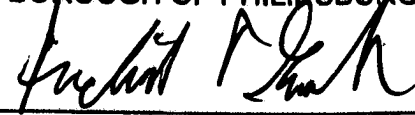
ADOPTED as an Ordinance of the Philipsburg Borough Council of the Borough of Philipsburg, Centre County, Pennsylvania, at a meeting of said Borough Council held on the 16th day of September, 2013.

IN WITNESS WHEREOF, we hereunto set our hands and corporate seals this 16th day of September, 2013.

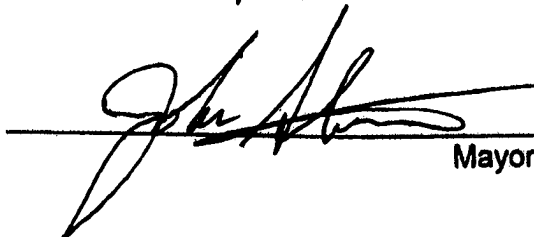
ATTEST:


Secretary

BOROUGH OF PHILIPSBURG


BY _____
President of Council

EXAMINED AND APPROVED by me this 16th day of September, 2013.



Mayor

PART 1

DANGEROUS STRUCTURES

§4-101. 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 whose interior or exterior wall or other vertical structural members lean, list or buckle to such an extent that they are 3% or more of their longitudinal dimension from being vertically plumb or horizontally straight.
- B. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the surrounding member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or coverings.
- C. Those which have improperly distributed loads upon the floors, roofs or walls as a result of settlement or decay in which any structural member is overloaded or has insufficient strength to be reasonably safe.
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Borough of Philipsburg.
- E. 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 sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Those which because of their condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this Borough.

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- J. Those buildings existing in violation of any provision of the Building Code [Chapter 5] of this Borough or in violation of the Fire Prevention Code or other ordinances of this Borough.

(Ord. 10/2/1978B, §1)

§4-102. Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the Building Inspector or assistants specially designated thereto and the Borough Council in ordering repair, vacation or demolition:

- A. If the dangerous or dilapidated building can be repaired as determined by a committee composed of the Building Inspector, Fire Chief and Health Officer so that it will no longer exist in violation of the terms of this Part, it shall be ordered repaired.
- B. If the "dangerous or dilapidated 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. In any case where a "dangerous or dilapidated building" cannot be reasonably repaired as determined by a committee provided in Subsection A above, it shall be demolished and in all cases where a building cannot be repaired so that it will not longer exist in violation of the terms of this Part, it shall be demolished. In cases where a "dangerous or dilapidated building" is a fire hazard existing or erected in violation of the terms of this Part or of any ordinance of the Borough or statute of the Commonwealth of Pennsylvania, it shall be demolished.

(Ord. 10/2/1978B, §2)

§4-103. Dangerous Buildings; Nuisances.

All "dangerous buildings" within the terms of §4-101 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

(Ord. 10/2/1978B, §3)

§4-104. Duties of the Building Inspector.

The Building Inspector or assistants specially designated thereto, shall:

- A. Inspect or cause to be inspected all public buildings, halls, churches, theaters, hotels, tenements, commercial manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a "dangerous buildings" within the terms of §4-101 of this Part. [A.O.]
- B. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Part.
- C. Inspect any building, wall or structure reported (as hereinafter provided for) by the Fire or Police Departments of this Borough as probably existing in violation of the terms of this Part.
- D. Inspect annually buildings in any ward of this Borough to determine whether they are "dangerous buildings" within the terms of §4-101 of this Part.
- E. Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the deed registration files of the Borough and/or the Recorder of Deeds of the County of Centre of any building found by him to be a "dangerous building" within the standards set forth in §4-101 of this Part, that:
 - (1) The owner must vacate or repair or demolish said building in accordance with the terms of the notice and this Part.
 - (2) The occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession.
 - (3) The mortgagee, agent or the other persons having an interest in said building as shown by the lands records of the deed registration files of the Borough and/or the Recorder of Deeds of the County of Centre, may at his own risk, repair, vacate or demolish said building or have such work or act done; provided, that any person notified in this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to initiate and 60 days to complete the work or act required by the notice provided for herein.
- F. Set forth in the notice provided for in Subsection E hereof, a description of the building or structure deemed unsafe, a statement of the particulars which make the 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 this Part within such length of time, not exceeding 30 days, as is reasonable.
- G. Report to the Borough Council any noncompliance with the "notice" provided for in Subsections E and F hereof.

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H. Appear at all hearings conducted by the Borough Council and testify as to the condition of "dangerous buildings."

I. Place a notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the Building Inspector or assistants specially designated thereto. 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 owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the deed registration files for the Borough and/or the Recorder of Deeds of the County of Centre. It is unlawful to remove this notice until such notice is complied with."

(Ord. 10/2/1978B, §4; as amended by A.O.)

§4-105. Duties of Borough Council.

The Borough Council shall:

- A. Upon receipt of a report of the Building Inspector or assistants specially designated thereto, as provided for in §4-204(G) hereof, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the deed registration files of the Borough and/or the Recorder of Deeds of Centre County, to appear before Council on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice provided for herein in §4-104(F).
- B. Hold a hearing and hear such testimony as the Building Inspector or assistants specially assigned thereto or the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as shown by the land records of the deed registration file of the Borough and/or the Recorder of Deeds of the County of Centre, shall offer relative to the "dangerous building."
- C. Make written findings of fact from the testimony offered pursuant to Subsection B as to whether or not the building in question is a "dangerous building" within the terms of §4-101 hereof.
- D. Issue an order based upon findings of fact made pursuant to Subsection E commanding the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as shown by the land records of the deed registration file of the Borough and/or the Recorder of Deeds of the County

of Centre shall order to repair, vacate or demolish any building found to be a "dangerous building" within the terms of this Part and provided that any person so notified, except the owners, shall have the privilege either of vacating or repairing said "dangerous building" or any person not the owner of said "dangerous building" but having an interest in said building as shown by the land records of the deed registration files of the Borough and/or the Recorder of Deeds of the County of Centre, may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien by the Borough against the land upon which said "dangerous building" stands, as provided in Subsection E thereof.

- E. If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in Subsection D hereof, within 10 days, the Council shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant, under the standards hereinbefore provided for in §4-102 of this Part and shall, with the assistance of the Borough Solicitor, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or to be recovered in a suit at law against the owner; provided, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of this Borough, the Borough Council shall notify the Borough Solicitor to take legal action to force the owner to make all necessary repairs or demolish the building.
- F. Report to the Borough Solicitor the names of all persons not complying with the order provided for in §4-105(D) thereof.

(Ord. 10/2/1978B, §5)

§4-106. Violations and Penalties.

1. The owner, occupant or lessee in possession of any building 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 Part or any regulation issued thereunder shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
2. Any person removing the notice provided for in §4-104(I) thereof shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

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(Ord. 10/2/1978B, §6; as amended by Ord. 888, 3/2/1981; and by A.O.

§4-107. Duties of the Borough Solicitor.

The Borough Solicitor shall:

- A. Prosecute all persons failing to comply with the terms of the notices provided for herein in §§4-104(E) and (F) and the order provided for in §4-105(D).
- B. Appear at all hearings before Borough Council in regard to "dangerous buildings."
- C. Bring suit to collect all municipal liens, assessments or costs incurred by the Borough Council in repairing or causing to be vacated or demolished, "dangerous buildings."
- D. Take such other legal action as is necessary to carry out the terms and provisions of this Part.

(Ord. 10/2/1978B, §7)

§4-108. Emergency Cases.

In cases where it reasonably appears that there is immediate danger to life or safety of any person unless a "dangerous building," as defined herein, is immediately repaired, vacated or demolished, the Building Inspector or assistants specially designated thereto, shall report such fact to the Borough Council and the Borough Council shall cause the immediate repair, vacation or demolition of such "dangerous buildings." The cost of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in §4-105(E) hereof.

(Ord. 10/2/1978B, §8)

§4-109. Where Owner Absent from the Borough.

In cases (except emergency cases) where the owner, occupant, lessee or mortgagee is absent from the Borough, all notices or orders provided for herein shall be sent by certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown on the land records of the deed registration files of the Borough and/or the Recorder of Deeds of the County of Centre, to the last known address of each and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service. Where desirable, the notices and orders provided for herein may be served in the same manner as a summons is served in the courts of general jurisdiction.

(Ord. 10/2/1978B, §9; as amended by Ord. 888, 3/2/1981, §1)

§4-110. Administrative Liability.

No officer, agent or employee of the Borough of Philipsburg shall render himself personally liable for any damage that may accrue to person or property as a result of any act required or permitted in the discharge of his duties under this Part. Any suit brought against any officer, agent or employee of the Borough of Philipsburg as a result of any act required or permitted in the discharge of his duties under this Part shall be defended by the Borough Solicitor until the final determination of the proceedings therein.

(Ord. 10/2/1978B, §10)

§4-111. Duties of the Fire Department and Ordinance Department.

The Fire Department and/or Ordinance Department of the Borough shall designate a committee from their membership who shall make a report, in writing, to the Building Inspector of all buildings or structures which are, may be or are suspected to be "dangerous buildings" within the terms of this Part.

(Ord. 10/2/1978B, §11; as amended by A.O.)

§4-112. Duties of the Police Department.

All employees of the Police Department shall make a report, in writing, to the Building Inspector of any buildings or structures which are, may be or are suspected to be "dangerous buildings" within the terms of this Part, to the Building Inspector within 24 hours of the discovery of such buildings by any employee of the Police Department.

(Ord. 10/2/1978B, §12)

