

**TOWNSHIP OF CROSS CREEK
WASHINGTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2-02

**AN ORDINANCE OF THE TOWNSHIP OF CROSS CREEK,
WASHINGTON COUNTY, PENNSYLVANIA, DEFINING AND
PROHIBITING DANGEROUS STRUCTURES AND BUILDINGS
WHICH CONSTITUTE PUBLIC NUISANCES; ESTABLISHING
STANDARDS FOR REPAIR, VACATION AND DEMOLITION
THEREOF; DETERMINING THE DUTIES OF THE ENFORCEMENT
OFFICER, AND AUTHORIZING HEARINGS BY THE BOARD OF
SUPERVISORS**

It is hereby ORDAINED AND ENACTED by the Board of Supervisors of Cross Creek Township as follows:

SECTION I - DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

“BUILDING” - an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school, or similar structure.

“DANGEROUS BUILDING” - all buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

- A. 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;
- B. 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 non-supporting enclosing or outside walls or covering;
- C. 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;

- D. Those which have been damaged by fire, wind or other causes so as to be dangerous to life, safety, or the general health and welfare of the occupants or the public;
- E. Those which are so damaged, 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, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein;
- F. Those which have parts thereof which are so attached that they may fall and injure property or members of the public;
- G. Those which lack illumination, ventilation or sanitation facilities or because of another condition are unsafe, unsanitary, or dangerous to the health, safety or general welfare of the occupants or the public;
- H. Those which because of their location are unsanitary or otherwise dangerous to the health or safety of the occupants or the public;
- I. Those existing in violation of any provision of the building code, fire prevention code, or other ordinances of Cross Creek Township.

“DWELLING” - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

“DWELLING UNIT” - any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

“ENFORCEMENT OFFICER” - the Township Manager, code enforcement officer, zoning officer, or other agent that may be later designated by resolution of the Township Board of Supervisors.

“INFESTATION” - presence, within or around a dwelling, of any insects, rodent or other pests.

“OWNER” - person who, alone or jointly or severally with others;

- A. Shall have legal title to any dwelling, or dwelling unit, with or without accompanying actual possession thereof; or
- B. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, or guardian of the estate of the owner. Any such

person thus representing the actual owner shall be bound to comply with the provisions of this ordinance and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

“PERSON” - any individual, firm, corporation, association or partnership, or other legal entity.

“PROPERTY” - a piece, parcel, lot or tract of land.

“STRUCTURE” - anything constructed or erected 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 and walks.

“TOWNSHIP” - Cross Creek Township, Washington County, Pennsylvania.

Whenever the words “dwelling”, “dwelling unit”, or “premises” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof”.

SECTION II - DANGEROUS BUILDINGS DECLARED NUISANCES

All dangerous buildings within the terms of Section I of this ordinance are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as herein provided.

SECTION III - STANDARDS FOR REPAIR, VACATION, OR DEMOLITION

The following standards shall be followed in substance by the enforcement officer of Cross Creek Township in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding thirty (30) days, as is reasonable.
- C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the enforcement officer. The enforcement officer shall remove such

placard whenever the defect or defects upon which the placarding action were based have been eliminated.

- D. If a dangerous building is fifty percent (50%) or more damaged or decayed, or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this ordinance, or if a dangerous building is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of the Township or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed fifty percent (50%) of the market value of the building at the time demolition is proposed.

SECTION IV - DUTIES OF ENFORCEMENT OFFICER

- A. The enforcement officer shall inspect on a regular basis dwellings, buildings and structures to determine whether any conditions exist, which render such premises dangerous buildings within the terms of Section I above.
- B. Whenever an inspection discloses that a dwelling, building or structure has become a public nuisance, the enforcement officer shall issue a written notice to the person or persons responsible therefore. The notice:
1. shall be in writing;
 2. shall include a statement of the reasons it is being issued;
 3. shall state a reasonable time to rectify the conditions constituting the nuisance or to remove and demolish the dwelling, building or structure;
 4. shall be served upon the owner, or his agent, or the occupant, as the case may require.
 - (a) Except in emergency cases and except where the owner, occupant, lessee, or mortgagee is absent from the Township, all notices shall be deemed to be properly served upon the owner, occupant or other person having an interest in the dangerous building, if a copy thereof is served upon him personally, or if a copy thereof is posted in a conspicuous place in or

about the structure affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of the Commonwealth.

- (b) Except emergency cases, in all other cases where the owner, occupant, lessee, or mortgagee is absent from the Township, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, and all other persons having an interest in said building, as shown by the records of the County Recorder of Deeds, 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.

5. may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance and with the rules and regulations adopted pursuant thereto.

- C. The enforcement officer shall appear at all hearings conducted by the Board of Supervisors and testify as to the condition of dangerous buildings.

SECTION V - HEARINGS

A. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance may request and shall be granted a hearing on the matter before the Board of Supervisors; provided, that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. Upon receipt of such petition, the Township Secretary shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why the enforcement notice should be modified or withdrawn. The hearing shall commence not later than thirty (30) days after the day on which the petition was filed.

B. After such hearing, the Board of Supervisors shall sustain, modify or withdraw the enforcement notice. If the Board of Supervisors sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this ordinance shall inform the owner that it automatically becomes an order if a written petition for a hearing is not filed with the Township Secretary within ten (10) days after such notice is served.

SECTION VI - REMOVAL OF NOTICE PROHIBITED

No person shall remove or deface the notice of dangerous building, except as provided in Section III(C).

SECTION VII - EMERGENCY CASES

Whenever the enforcement officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the enforcement officer shall be afforded a hearing as soon as possible. After such hearing, depending upon the findings as to whether the provisions of this ordinance have been complied with, the enforcement officer shall continue such order in effect, or modify, or revoke it. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases.

SECTION VIII - ABATEMENT BY CROSS CREEK TOWNSHIP

If the owner, occupant, mortgagee, or lessee fails to comply with the order of the enforcement officer within the time specified in the notice issued by him and no petition for a hearing is filed within ten (10) days thereafter, or following a hearing by the Board of Supervisors where the order is sustained thereby, the enforcement officer shall cause such building or structure to be repaired, vacated or demolished, as determined by the Board of Supervisors in accordance with the standards hereinabove provided. EXCEPT THAT the Township may not repair, vacate or demolish all or part of the building or structure unless it first holds a hearing upon procedures set forth herein in Section V (regardless of whether the person affected by any order chooses to appear) to hear the evidence regarding whether a building or structure is dangerous and whether the nuisance can be abated by repairing, vacating, or demolishing the structure or building. The Township may collect the cost of such repair, vacation or demolition together with a penalty of ten percent (10%) of such cost, in the manner provided by law. Or the Township may seek injunctive relief in a court of competent jurisdiction pursuant to the rules of civil procedure.

SECTION IX - PENALTIES

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding One Thousand Dollars (\$1,000.00) and in default of payment thereof to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense.

SECTION X - REPEALER

Ordinance No. 3-77 dated June 15, 1977, or all ordinances or parts of ordinances, which are inconsistent herewith are hereby repealed.

SECTION XI - 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 affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of 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 XII - EFFECTIVE DATE

This ordinance shall become effective five (5) days after passage.

ORDAINED AND ENACTED by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, this 20th day of August, 2002.

ATTEST:

TOWNSHIP OF CROSS CREEK

Rachel Warner Blosser, Secretary

By
Gary A. Stokum, Chairman

By
Dean F. Casiola, Supervisor

By
Tim Paris, Supervisor