

## CHAPTER 47

### BUILDINGS, DANGEROUS

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**[HISTORY: Adopted by the Board of Supervisors of the Township of Paradise 2-3-1987 as Ch. 4, Part 1, of the 1987 Code. Amendments noted where applicable.]**  
**(Revised 01/06/03, Ordinance No. 140.)**

#### GENERAL REFERENCES

Property maintenance -- See Ch. 102.

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#### **§ 47-1. 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 causes 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 Paradise.
- 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, unsanitary or dangerous to the health, morals, safety or general welfare of the people of the township.

#### **§ 47-2. Dangerous buildings as nuisances.**

All dangerous buildings within the terms of §47-1 of this chapter shall be removed, repaired or demolished as hereinbefore and hereinafter provided.

#### **§ 47-3. Investigation procedures.**

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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 the 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 § 47-1 of this chapter, 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.

#### **§ 47-4. Hearing procedures.**

The Board of Supervisors shall:

- A. Upon receipt of a report in accordance with § 47-3 of this chapter through the Zoning Officer, 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 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 §47-6.
- B. Hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or any other person having interest in said building 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 § 47-1 hereof.
- D. Issue a order based upon findings of fact made pursuant to Subsection C of this section demanding the owner, occupant, mortgagee, lessee or any other person having an interest in said building to remove, repair or demolish any building found to be a dangerous building within the terms of this chapter.

#### **§ 47-5. 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 so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.

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- B. If the dangerous or dilapidated building or structure 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 the Board of Supervisors has ordered repair and where said repairs have not been made within the time stated in the order, then the Board of Supervisors shall issue an order to demolish the dangerous or dilapidated building or structure.

#### **§ 47-6. Enforcement procedures.**

- A. If any structure is deemed to be a dangerous building within the standards set forth in §47-1 of this chapter, the Zoning Officer 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 deed of registration 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. 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 chapter, provided that 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 30 days of such notice and to complete such repair removal within 90 days thereof, or a longer specified time, in certain cases.
- 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 Paradise. 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 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."

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#### § 47-7. Violations and penalties.

- A. This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any owner, occupant, mortgagee, lessee 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 chapter or any regulation or order issued thereunder shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense. Penalties contained in this section are in addition to any other remedies provided by this chapter.<sup>1</sup>
- B. Any person removing the notice provided for in § 47-E shall, upon conviction before the District Justice, be subject to a fine not exceeding \$50 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 the land records of the Recorder of Deeds of the County of Monroe, fails to comply with the notice or order to repair, vacate or demolish any dangerous building within 90 days, or longer time as specified in said notice or order, 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 10% 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 Subsections A and B of this section.

#### § 47-8. 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 § 47-7C.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)