

**TOWNSHIP OF MANOR
COUNTY OF ARMSTRONG
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 2018-5

An ordinance of the Township of Manor (Hereinafter “The Township”), Armstrong County, Pennsylvania, providing for the vacating, removal, repair or demolition of any structures dangerous to the health, safety and welfare of the people of the Township; and setting forth the procedure and rules for determining dangerous structures.

WHEREAS, in the Township of Manor there are or may be in the future structures or parts of structures that are dilapidated, unsafe, dangerous, unsanitary, fire damaged, or any two or more from among these; and

WHEREAS, the Township of Manor Board of Supervisors have determined that such regulations as adopted herein are reasonable and necessary for the health and safety, and welfare of the Township, and its residents; and

Whereas, the Township of Manor desires to regulate dilapidated, unsafe, dangerous, unsanitary, abandoned buildings which tend to constitute a public nuisance, fire hazard, safety risk, or potential for collapse.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

ARTICLE 1: Title

- a) This ordinance shall be known as the” **Township of Manor Dangerous Structures Ordinance.**”

ARTICLE 2: Application

- a) This ordinance shall apply uniformly to all persons, business organizations, non-profit organizations, and all other legal entities; and it shall apply uniformly to all property and all property owners within the township.

ARTICLE 3: Definitions and Word Usage

- a) Unless otherwise specifically defined below, words or phrases used herein shall be so as to have the same meaning as they have in the common usage and so as to give the ordinance its most reasonable application consistent with its intent.
- b) The word “shall” is always mandatory and not merely directory.

- c) Words used in the present text include the future and past, words in the plural number in the singular. Words in the singular number include words in the plural and words wither in the feminine, masculine, or neuter shall include words of the other two genders.
- d) When used herein, the following words shall have the following meanings:

Township: The Local Government entity of the Township of Manor, Armstrong County, Pennsylvania.

Board of Supervisors: The elected officials of the Township of Manor

Dangerous Structures/ Buildings: 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" as:

1. Those buildings or structures that have been damaged by fire, wind, vehicle, 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, vehicle, or other cause so as to have become dangerous to the life and safety, morals, or the general health and welfare of the occupant or to 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 work injury to the health, morals, safety or general welfare of those living there, emergency responders, as well as other nearby 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 health, morals, safety or general welfare of other people of the township.
7. Those which through poor construction, physical damage, decay, or deterioration, or through neglect have become uninhabitable or create risk of injury or death to person(s) occupying said structure or to adjacent landowners or the public at large.

8. Those which are at risk of partial or complete collapse, regardless of whether it is occupied or not.

ARTICLE 4: Dangerous Buildings As Nuisance

- a) All "dangerous buildings" are hereby declared to be a public nuisance and shall be repaired, vacated, and/or demolished.
- b) Each day a nuisance in the form of a dangerous building continues after notice is given that the said dangerous building is to be repaired, vacated, and/or demolished, shall constitute a separate offense in violation of this ordinance.

ARTICLE 5: Investigation Procedure

- a) Whenever it is reported or comes to the attention of any Township Supervisor or Police Officer that any building or structure completed or in the process of construction, or any portion thereof is in a dangerous condition, a Township Supervisor or a Township Police Officer shall make an investigation and examine the building or structure reported within 24 hours.
- b) If the Township Supervisor or Township Police Officer making the investigation believes that the structure is a dangerous building, then a written report of the investigation specifying the condition of the structure and in what respect it is dangerous shall be made.
- c) If the report recommends that the building be removed or demolished as a dangerous structure, the report should be presented to the entire board of supervisors.

ARTICLE 6: Notice

- a) If any structure is reported to be in a dangerous condition, the Township Supervisor or Township Police Officer shall cause written notice to be served upon the owner of such structure. Such notice shall include a notice to repair and require the owner of such structure to commence the repair of such building within ten (10) days of such notice and to complete such repair within sixty (60) days from the receipt of such notice.
- b) The notice and order shall identify the building deemed dangerous, contain a statement of the particulars which make the building or structure a dangerous building and include an order requiring the same to put the dangerous building in such condition as to conform with the terms of this ordinance; provided further in any case where 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.
- c) The owner or owners shall be determined from the office of the recorder of deeds in and for Armstrong County, Commonwealth of Pennsylvania, or failing to find such owner or owners, notice shall be given to the occupant, mortgagee, lessee, agent or any other person found with an interest in said dangerous structure as the township may discover, referenced as the "other party".

ARTICLE 7: Hearing Procedure

1. Upon receipt of a report in accordance with the investigation procedure provided hereinabove in article 5(c) of this ordinance, written notice shall be given to the owner or owners of the dangerous buildings to be removed or demolished as determined by the records in the Assessment and Recorder of Deeds offices in and for Armstrong County, in the Commonwealth of Pennsylvania, or failing to find any owner or owners, then notice shall be given to the occupant, mortgagee, lessee, agent, or any other person found with an interest in the said dangerous building as the Township may discover, and said notice shall inform the owner or other party to appear before the Board of Supervisors on a date specified to show cause why the building or structure reported as a dangerous building should not be removed or demolished in accordance with any written report to the supervisors or determinations made by the Supervisors.
2. Within not less than ten (10) days nor more than sixty (60) days from the date of such notice the Township Supervisors shall hold a hearing and receive such testimony as the owner, occupant, mortgagee, lessee, or other people having interest in the said building shall offer related to whether the dangerous building should be removed or demolished.
3. Within thirty (30) days of such hearing the Township Supervisors shall make written findings of fact from the testimony offered pursuant to the hearing as to whether the building in question should be removed or demolished, and;
4. Within not more than thirty (30) days following the hearing provided for by subsection 2) the Township Supervisors shall issue an order based upon findings of fact made pursuant to subsection 3), hereof, demanding the owner of the said building to remove or demolish said building or make a finding that no further action is required.

ARTICLE 8: Standards for Repair, Vacation or Demolition

- a) The following standards shall be followed in substance by the Township Supervisors by ordering repair, vacation, or demolition of a dangerous building:
 - 1) If the dangerous building can be repaired as determined by Bureau Veritas, Building Codes Inspector, so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired.
 - 2) 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.
 - 3) If the dangerous building cannot be reasonably repaired as determined by Bureau Veritas, Building Codes Inspector, it shall be demolished.

- 4) If the building is a fire hazard or is existing or erected in violation of the terms of this Ordinance, any other Ordinance of the Township or any statute of the Commonwealth of Pennsylvania, it shall be demolished.

ARTICLE 9: Penalties

- a) Any owner, occupant or lessee who is in possession of any dangerous building who shall fail to comply with any notice or order to repair, vacate, or demolish any dangerous building issued under this Ordinance or who violates any of the other provisions of this Ordinance, shall upon conviction before a District Justice, be subject to a fine not exceeding Five Hundred Dollars (\$500.00) plus costs and in default of payment of the fine and costs shall be subject to imprisonment for a period not to exceed thirty (30) days. Each day of a violation shall be considered separate violation and offense.
- b) Any person having an interest in any building who fails to comply with any notice or order to repair, vacate, or demolish any dangerous building within ninety (90) days of the receipt of such notice, by said failure does empower the township 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) percent to be charged upon the land upon which the building exist as a municipal lien, or alternatively to recover such costs and penalty in a suit in law against the owner or owners but failing to recover same to have the judgement therefore to be charged upon the land as a lien; and, this subsection is separate from, and in addition to, the fine, penalty, and costs which may be imposed by any other sub-section within this Ordinance.
- c) In addition to and not in lieu of the foregoing, the Township may seek equitable and legal relief to compel compliance with this Ordinance.

ARTICLE 10: Emergency Cases

- a) 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 dangerous building, the Township, upon a determination by Bureau Veritas, Building Codes Inspector, shall cause the immediate repair, vacation, or demolition of such dangerous building.
- b) The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected as provided for in Article 9(b) of this Ordinance.

ARTICLE 11: Severability

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

ARTICLE 12: Repealer

- a) Any and all prior Ordinances and/or any portion of prior Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. The remaining Ordinances and/or portions of prior Ordinances, not modified herein, shall remain the same.

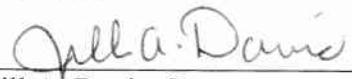
ARTICLE 13: Effective Date

- a) This Ordinance shall be effective five (5) days after enactment.


ORDAINED and **ENACTED** by the Board of Supervisors of the Township of Manor in Lawful Session duly assembled this 19th day of October, 2018.

MANOR TOWNSHIP

ATTEST




Jill A. Davis, Secretary

By: 

Donald W. Palmer, Jr., Chairman



Robert Q. Southworth, Vice-Chairman



Tracey A. Hecker, Supervisor