

BOROUGH OF MILLVILLE
COLUMBIA COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 119-9302

AN ORDINANCE OF THE BOROUGH OF MILLVILLE PROVIDING FOR THE VACATING, REMOVAL, REPAIR OR DEMOLITION OF ANY STRUCTURES DANGEROUS TO THE HEALTH, SAFETY AND WELFARE OF PEOPLE AND SETTING FORTH THE PROCEDURE FOR DETERMINING DANGEROUS STRUCTURES. THIS ORDINANCE IS TO BE KNOWN AS THE DANGEROUS STRUCTURE ORDINANCE.

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WHEREAS, the Borough of Millville, County of Columbia and the Commonwealth of Pennsylvania has determined to regulate dilapidated, unsafe, dangerous and abandoned buildings which tend to constitute a public nuisance and a fire hazard, NOW THEREFORE, BE IT HEREBY ORDAINED AS FOLLOWS:

Section 1. 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 Borough of Millville hereinafter called the Borough.

Section 2. Definitions:

- a. The words "dangerous structures" shall mean all the buildings or structures which have any or all of the following defects:
- b. Those which have been damaged by fire, wind or other cause so as to fail utterly to provide the amenities essential to decent living and are unfit for human habitation.
- c. Those which have been damaged by fire, wind or other cause so as to have become dangerous to the life safety, morale, or the general health and welfare of the occupant or the general public.
- d. 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 or are likely to cause accidents, sickness, or disease, so as to work injury to the health, morals, safety of general welfare of those living therein as well as the general public.
- e. Those which because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of citizens.

f. Those which have parts thereof which are so attached that they might fall and injure adjoining public or private property or members of the public.

Section 3. Nuisances:

a. All "dangerous structures" are hereby declared to be public nuisances and shall be vacated, repaired or demolished.

Section 4. Investigation Procedure:

a. Whenever it is reported to Council that any building or structure completed or in the process of construction or destruction or any part thereof is in a dangerous condition, the Chief of Police along with any consultant or consultants whom he may choose shall make an investigation.

b. If in the opinion of the Chief of Police said structure is dangerous as defined in Section 2 above, the Chief of Police shall submit a written report to Council specifying the condition of the structure in accordance with Section 2 along with any appropriate observations and a recommendation for repairing or demolition.

Section 5. Hearing Procedure:

a. Upon receipt of a report generated in accordance with Section 4 above, the Council shall give written notice to the owner or owners of said structure. The owner or owners shall be determined from the office of the Recorder of Deeds in and for the County of Columbia, 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 Borough may discover hereinafter called the "other party".

b. Said notice shall inform the owner or other party to appear before the Council on a date specified to show cause why the building or structure reported as a dangerous structure should not be vacated, repaired or demolished in accordance with the recommendation to or determination by Council.

c. Within not less than ten (10) or more than (60) days from the date of such notice Council shall hear such testimony as the owner or other party may offer related to the dangerous structure.

d. Within thirty (30) days of such hearing, Council shall have prepared written findings of fact from said testimony determining if said structure is dangerous in accordance with the terms of this Ordinance, and if found to be so, issue a written order demanding the owner or other party of said structure to vacate, repair or demolish it, and such work to commence within a period of ten (10) days from the date of the order. This order shall be served personally upon the owner or other party if such reside in the Borough, or if such personal service cannot be obtained, said notice shall be sent to the owner or other party by certified mail to the last known address. Said order shall identify

the dangerous structure and contain a statement of the findings of Council.

Section 6. Standards for Vacation, Repair and Demolition:

a. If the dangerous structure is in such a condition to render it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

b. If Council determines the dangerous structure can be repaired so that it will no longer violate the provisions of the Ordinance, it shall be ordered repaired. The owner or other party may exercise an option to demolish or remove the dangerous structure.

c. If Council determines the structure cannot be reasonably repaired, it shall order the structure demolished.

d. If the dangerous structure is a fire hazard or is existing or has been erected in violation of the terms of this Ordinance, another Ordinance of the Borough, or the statutes of the Commonwealth of Pennsylvania, it shall be ordered demolished.

e. The terms demolition and removal shall include the demolition of foundations or other sub surface structures, and the contouring and reseeded of the land to a natural appearance.

Section 7. Enforcement:

a. Any owner or other party who shall fail to comply with any term, notice or order of this ordinance or who violates any term, notice or order of this ordinance, shall upon conviction before a District Magistrate, be subject to a fine not exceeding Three Hundred Dollars (\$300.00) plus costs, and in default of payment of 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 violations and offenses for the purposes of this Ordinance.

b. Any person or other party who fails to comply with any order to vacate, repair or demolish any dangerous structure within ninety (90) days of the receipt of such order empowers the Council to cause such structure to be vacated, repaired or demolished and to cause the costs of such together with a penalty of ten (10%) per cent to be charged upon the land upon which the structure exists as a municipal lien, or alternatively to recover such costs and penalty in a suit at law against the owner or other party but failing to recover same to have the judgement therefore to be charged upon the land as a lien; and, this sub-section is separate from and in addition to the fine, penalty and costs which may be imposed by any other sub-section of this section.

Section 8. 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 structure, the Council shall waive sections 4 and 5 above and cause the immediate repair, vacation or

demolition of such dangerous structure. The costs of such emergency shall be collected as provided form in Section 7 above.

Section 9. Severability:

a. In the event of any provision, section, sentence, clause or part of the Ordinance being held to be invalid, such invalidity shall not affect or impair any other. It is the intent of the Borough 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 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, 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 the purpose of the provisions of the Ordinance are hereby declared to be severable.

Section 10. Repealer:

a. All Ordinances or parts of Ordinances expressly inconsistent herewith, or dealing with the same or similar subject matter of this Ordinance, are expressly repealed.

Section 11. Effective date:

This Ordinance shall become effective upon enactment.

ENACTED as an ordinance of the Borough of Millville by the Council thereof at a meeting of its members duly called and held this 16th day of February, 1993.

ATTEST

BOROUGH OF MILLVILLE:

Murray Holdren, Secretary

Millard C. Ludwig, President (Seal)

The foregoing ordinance, as thus enacted, is hereby APPROVED by me this 16th day of February, 1993.

Jerre W. Wright, Mayor

