

ORDINANCE # 1-1986
TOWNSHIP OF BROOKLYN,
SUSQUEHANNA COUNTY, PENNSYLVANIA

AN ORDINANCE PROVIDING FOR THE VACATION, REMOVAL, REPAIR OR DEMOLITION OF ANY STRUCTURES DANGEROUS TO THE HEALTH, MORALS, SAFETY OR GENERAL WELFARE OF THE PEOPLE OF THE TOWNSHIP OF BROOKLYN; AND FOR THE ASSESSMENT OF THE COST OF VACATION, REMOVAL, REPAIR OR DEMOLITION THEREOF AS A MUNICIPAL LIEN OR ASSESSMENT AGAINST SUCH PREMISES; PROVIDING FOR THE RECOVERY OF SUCH COSTS IN AN ACTION AT LAW; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, in the Township of Brooklyn, in Susquehanna County, Pennsylvania, there are and may be in the future, buildings or structures which are delapidated, unsafe, dangerous, unsanitary and a menace to the health, morals, safety and general welfare of the people of the Township and which might tend to constitute a fire menace and which are a public nuisance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Brooklyn Township, Susquehanna County, Pennsylvania, and IT IS HEREBY ENACTED AND ORDAINED by the authority of the same as follows:

SECTION I.

A) TITLE

This Ordinance shall be known and referred to as the "Brooklyn Township Dangerous Buildings Ordinance."

B) DEFINITIONS

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1) The word "Township" shall mean the Township of Brooklyn, Susquehanna County, Pennsylvania.

2) The word "Board" shall mean the Board of Supervisors of the Township of Brooklyn, Susquehanna County, Pennsylvania.

3) The words "dangerous buildings" shall mean all buildings or structures which have any or all of the following defects and all such buildings or structures shall be deemed to be "dangerous buildings":

i) 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;

ii) 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;

iii) Those which have parts thereof which are so attached that they might fall and injure members of the public or adjoining property;

iv) 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.

SECTION II

DANGEROUS BUILDINGS AS 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 hereinbefore and hereinafter provided.

SECTION III

INVESTIGATION PROCEDURES

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 same to the Board, 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 Section I-B-3 of this Ordinance, a written report of such investigation shall be submitted to the Board, specifying the exact condition of such building or structure and setting forth whether or in what respect the structure is dangerous and whether the structure is capable of being properly repaired or whether it shall be removed as a dangerous building.

It shall be the responsibility of the Board to make a finding, based upon said report, as to whether or not any building is a "dangerous building" as defined hereinabove.

SECTION IV

STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Board in ordering repair, vacation or ^{DEMOLITION} demolition of dangerous buildings:

A) If the dangerous building can be repaired as determined by the Board so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered repaired;

B) 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;

C) In any case where a dangerous building cannot be reasonably repaired as determined by the Board as provided for in § A of this Section, it shall be demolished. In cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Ordinance, or any Statute of the Commonwealth of Pennsylvania, it shall be demolished.

SECTION V

ENFORCEMENT PROCEDURES

A) If any structure is deemed to be a "dangerous building" within the standards set forth in Section I-B-3 of this Ordinance, the Board 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 in the Recorder's Office of Susquehanna County, Pennsylvania 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 Certified Mail at the last known address thereof. The notice shall be effective when mailed and not when received.

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 of this Ordinance, provided, 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 above time limits.

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 ten (10) days of such notice and to complete such repair removal within a reasonable time, as prescribed by the Board.

E) The Board 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 Brooklyn, Susquehanna County, Pennsylvania. 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."

SECTION VI

PENALTIES

A) The 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 Ordinance, or any regulation or order issued thereunder, shall, upon conviction before a District Justice, be subject to a fine not exceeding Three Hundred (\$300.00) Dollars and costs and, in default of payment of the fine and costs, shall be subject to imprisonment in the Susquehanna County Jail for a period not exceeding thirty (30) days, PROVIDED, each day's continuance of a violation shall constitute a separate offense. Penalties contained in this Ordinance are in addition to any other remedies provided by this Ordinance;

B) Any person removing the Notice provided for in Section V § E hereof, shall, upon conviction before the District Justice, be subject to a fine not exceeding Fifty (\$50.00) Dollars and costs for each offense, and in default of payment of the fine and costs for each offense, and in default of payment of the fine and costs shall be subject to imprisonment in the Susquehanna County Jail for a period not exceeding ten (10) days;

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 Susquehanna County fails to comply with any Notice or order to repair, vacate or demolish any dangerous building within the time specified from the receipt of such Notice, the Board 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 ten (10%) percentum to be charged against the land on which the building existed as a municipal lien, or to recover such costs and penalty in a suit at law against the owner or other such person having an interest in the building,

PROVIDED, the recovery of such cost and expense, together with the penalty, may be in addition to the penalty imposed in § A and B of this Section.

SECTION VII

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 Section VI, § C.

SECTION VIII

SEVERABILITY

If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance. It is hereby declared as the intent of the Board that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION IX

REPEALING CLAUSE

Any Ordinance or part of Ordinance or Resolution heretofore adopted by the Board is hereby repealed insofar as the same conflicts with or effects this Ordinance.

SECTION X

This Ordinance shall become effective immediately upon its passage or enactment.

ORDAINED and ENACTED into an Ordinance this 9TH day of April, 1986.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF BROOKLYN, SUSQUEHANNA
COUNTY, PENNSYLVANIA

By: Rodney S. Oakley
Supervisor

By: David E. Neely
Supervisor

By: Theodore J. Beeman
Supervisor

ATTEST:

Theodore J. Beeman
Secretary