

BOROUGH OF EAST PROSPECT
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 96 - 18

AN ORDINANCE DEFINING DANGEROUS BUILDINGS AND DANGEROUS CONDITIONS IN THE BOROUGH OF EAST PROSPECT, AND PRESCRIBING METHODS OF REMEDYING SUCH BUILDINGS AND CONDITIONS AND METHODS OF ENFORCEMENT AND PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of East Prospect, York County, Pennsylvania, as follows:

SECTION I. DEFINITIONS.

(1) The dangerous building shall mean and include the following:

(a) Any building, shed, fence, or other man made structure which is dangerous to the public health and welfare because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it, or neighboring structures.

(b) Any building, shed, fence, or other man made structure which, because of faulty construction, age, lack of proper repair, decay, or other causes especially liable to fire and constitutes a fire hazard.

(c) Any building, shed, fence, or other man made structure which by reason of faulty construction or any other cause, is liable to cause injury to, or damage by collapsing or by collapse or fall of any part of such structure.

(2) The term dangerous condition shall mean and include any quarry, sinkhole, accumulation of stagnant water, accumulation of

materials, open pits or excavations, or any other feature of any premises which is dangerous to the public health or welfare, and which may cause or aid in the spread of disease or may cause injury to the occupants or any other persons.

(3) Any such dangerous building or dangerous condition within the Borough of East Prospect is hereby declared to be a nuisance.

SECTION II. PROHIBITION.

It shall be unlawful to maintain or permit the existence of any such dangerous building or dangerous condition in the Borough of East Prospect and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building or dangerous condition to permit the same to remain dangerous or to occupy or permit to be occupied while it remains dangerous.

SECTION III. INVESTIGATION OF DANGEROUS BUILDINGS AND DANGEROUS CONDITIONS.

Whenever it shall be reported to the Mayor that any dangerous building or dangerous condition exists, the Mayor shall immediately cause an investigation of such building or condition by the Borough Engineer. If such investigation indicates such building or condition to be dangerous as defined in this ordinance, the Engineer shall report the same to the Mayor, in writing, and in such report shall specify in the exact matter of such building or condition and setting forth whether and in what respect he considers such building or condition to be dangerous, and if so, whether such building or condition is capable of being properly corrected or whether it should be removed or demolished.

SECTION IV. NOTICE OF VIOLATION.

In the event that the Mayor finds such building or condition to be dangerous as provided in Section III, he shall cause written notice thereof, to be served upon the owner of the premises and upon the occupant thereof, if any, by registered mail or personal service. Such notice shall state that such danger must be removed of the premises and that such has been declared dangerous by an authorized investigative authority and that such danger must be remedied or removed by repairing and altering the building or condition or by demolishing it and that such danger must be corrected within a period of time not to exceed ninety (90) days.

SECTION V. APPEALS.

(1) Any one receiving notice that a dangerous building or condition exists upon their premises, they shall have the legal right to appeal the decision of the Mayor within ten (10) days of the receipt of such notice by filing with the Borough Council of East Prospect, through the Borough Secretary, written notice of their intentions to appeal. Upon receipt of such notice, the Borough Council of East Prospect shall, within thirty (30) days, establish a place, date, and time for a hearing to be held on said matter, at which time the appeal shall be heard by the Borough Council.

(2) If the person or persons receiving the notice as called for in Section IV have not complied with or taken an appeal within fifteen (15) days of such notice, it shall be understood that the

person or persons shall undertake whatever methods required to remedy such dangerous building or condition.

(3) If such dangerous building or condition shall exist over the time allotted for such repairs or demolition, the Borough of East Prospect, through its employees, may proceed to remedy the condition or building or to demolish said building.

SECTION VI. FIRE LIMITS.

(1) Any frame building or structure within the limits of the Borough of East Prospect which has been damaged by fire, decay, or other causes to the extent of fifty per cent (50%) of its value, shall be demolished or rebuilt in compliance with standards acceptable to the Borough Engineer.

(2) Upon written notice from the Fire Chief or his assistants, of East Prospect Fire Company, that such building has been damaged by fire, to these extents, to the Borough Secretary, said Secretary shall notify the owner or occupant, if any, of the premises, of the receipt of such notice from the Fire Chief. The Mayor may direct the Borough Engineer or a State Police Fire Marshall in case unforeseen to investigate and verify the Fire Chief's findings.

(3) If in the judgment of the Borough Engineer or the State Police Fire Marshall, said building has been damaged by fire, decay or other causes to the extent of fifty per cent (50%) of its value, they shall so notify the Mayor of such findings.

(4) In the event of such notification, the Mayor shall forward said report to the Borough Council, which shall delegate

three members of itself to verify as to whether said building has been so damaged to the extent of fifty per cent (50%) of its value. Notice of appointment of this committee shall be served to the owner of the premises by personal service or registered mail.

(5) If the findings of the damage of fifty per cent (50%) of the buildings value is verified by said committee, it shall be the duty of the owner to tear down and remove said building within a period of not more than ninety (90) days, or to remodel said building to the requirements that the Borough may deem necessary; and it shall be unlawful to occupy or permit the occupancy of such building after such findings until it is so remodeled and approved by said committee and the Borough Engineer.

SECTION VII. FAILURE TO COMPLY, PENALTIES.

(1) In the event that any owner or occupant shall neglect, fail, or refuse to comply with any notice required by this ordinance within a period of time stated, the Borough Authorities may remove or correct any such dangerous building or dangerous condition and that cost thereof, including Engineering Fees, with any additional penalty authorized by law, may be collected by the Borough from any such owner or occupant in the manner authorized by law.

(2) Any person who shall violate or fail, neglect, or refuse to comply with this ordinance, shall, for each and every such violation, pay a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Six Hundred Dollars (\$600.00), and costs of prosecution, and in default of payment of such fines and costs,

shall be sentenced to imprisonment for not more than thirty (30) days; provided each day's violation, neglect, or refusal shall constitute a separate offense and notice to the offender shall not be necessary in order to constitute an offense.

SECTION VIII. REPEALER.

The provisions of any former Ordinance which is inconsistent herewith is hereby repealed.

SECTION IX. EFFECTIVE DATE.

This Ordinance shall be effective immediately upon enactment.

ENACTED OR ORDAINED this 10th day of December, 1996.

ATTEST:

BOROUGH COUNCIL OF EAST PROSPECT

Marvin C. Keller
Secretary

By: Ronald E. Barbyer
President/Vice President

Approved this 10th day of December, 1996.

Marine Hunt
Mayor