

ORDINANCE NO. 2021-2

AN ORDINANCE OF THE WARRIORS MARK TOWNSHIP DEFINING AND PROHIBITING THE EXISTENCE OF VACANT, BLIGHTED AND DANGEROUS BUILDINGS WITHIN WARRIORS MARK TOWNSHIP; AUTHORIZING INSPECTION, COMPLIANCE NOTICES AND APPEAL HEARINGS; REQUIRING THE REMOVAL, REPAIR OR ALTERATION OF THE CONDITIONS CONSTITUTING A NUISANCE OR DANGER TO THE CITIZENS AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATION; REQUIRING OWNERS AND OTHERS HAVING OWNERSHIP INTEREST IN A BUILDING WHICH VIOLATES THE ORDINANCE AND IS NOT AN EMERGENCY TO TAKE ACTION TO BEGIN TO CORRECT THE VIOLATION WITHIN 10 DAYS OF NOTICE THEREOF; AUTHORIZING THE TOWNSHIP BOARD OF SUPERVISORS AND CODE ENFORCEMENT OFFICER TO ABATE THE VIOLATION OF THE ORDINANCE IN AN EMERGENCY SITUATION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Warriors Mark Township Board of Supervisors hereby ordains:

**SECTION 1**

§101. Title. This Ordinance shall be known as the "Warriors Mark Township Blighted Structure Ordinance."

§102. Definitions. For the purpose of interpreting the provisions of this Ordinance, the following words shall have the meaning or meanings ascribed:

BLIGHTED STRUCTURE – All buildings or structures which have been determined by the Board of Supervisors or Code Enforcement Officer to have any or all of the following defects:

- (1) Is in physical deterioration, may or may not be habitable as a dwelling or useful for the purpose for which it was originally intended;
- (2) Is partially completed and is not presently being constructed under an existing valid building permit;
- (3) May or may not be structurally sound, weather-tight, waterproof or vermin-proof;

(4) Is in the process of demolition or partial demolition and is not carried out within 60 days.

(5) Is a Vacant Structure possessing one or more of the above listed defects.

A blighted structure is a danger to the occupant of the structure and/or the general public.

**DANGEROUS OR RED-TAGGED PROPERTY** - All buildings or structures which have been determined by the Board of Supervisors in accordance with the provisions of this Ordinance to have any or all of the following defects:

(1) Those buildings or structures 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 Warriors Mark;

(2) Those buildings or structures which have become or are so dilapidated, decayed, unsafe, unsanitary, vermin-infested, rat-infested, a fire hazard, 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 of Warriors Mark;

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

(4) Those buildings or structures which, because of their general condition are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of Warriors Mark Township.

**FIRE HAZARD** – A structure that has defects such that said structure and/or the defects existing on and/or therein which may be likely to cause the structure and/or any nearby structures to catch fire as determined by the local Fire Chief.

**PERSON** - any natural person or persons, corporation, partnership, association or any lawful entity.

The use of the singular include the plural, and the use of any gender shall include all genders.

**VACANT STRUCTURE** – Any structure or building that is unoccupied, not legally in use, or occupied by unauthorized persons, and is unsecured and/or boarded.

§103. Public Nuisances. All "dangerous or red-tagged buildings or structures" and all Blighted Structures within the terms of §102 of this Ordinance are hereby declared to be public nuisances and shall be vacated, removed, repaired or demolished as hereinbefore and herein after provided.

§104. Investigation Procedures.

1. Whenever it shall be reported or come to the attention of any Township Official that any building or structure, completed or in the process of construction, or any portion thereof, is in a dangerous or red-tagged condition, and/or would be considered a blighted structure, such person having knowledge thereof shall report same to the Township Supervisors, and the Township Supervisors shall immediately cause an investigation and examination to be made of such building or structure. Such investigation and examination shall be made by the Township Supervisors, or their designated representative, or the Township Code Enforcement Officer. If said investigation and examination indicates that the said building or structure is dangerous and/or is a blighted structure in accordance with the provisions of this Ordinance, a written report of such investigation and examination shall be submitted to the Board of Supervisors, specifying the condition of such building or structure, and setting forth whether or in what respect the building or structure is dangerous and/or a blighted structure and whether it is capable of being repaired or whether it should be demolished.

2. It shall be unlawful for any person to refuse entrance to or to impede any Township official or any other authorized individual in the investigation of any such building or structure under this Ordinance. The owner, occupant or operator of every building or structure within the Township, or the person in charge thereof, shall give such official or authorized individual free access thereto and to all parts thereof, and to the premises on which it is located, at all reasonable times for the purpose of such investigation upon display by such individual of proper identification.

§ 105. Hearing Procedures. Upon receipt of a report in accordance with §104 of this Ordinance, the Board of Supervisors of Warriors Mark Township shall:

1. Give written notice to the owner of said building or structure, and to all other persons having an interest in said building or structure as shown by the land records of the Recorder of Deeds of Huntingdon County, to appear before the Board of Supervisors on the date specified in the Notice to show cause why the building or structure reported to be a dangerous or red-tagged building and/or blighted structure should not be repaired, vacated, removed or demolished in accordance with the enforcement provisions set forth in this Ordinance;

2. Hold a hearing and hear such testimony as the owner, or any other person having an interest in said building or structure, shall offer relative to the condition of said building or structure;

3. Make written findings of fact from the testimony presented at said hearing as to whether the building in question is a dangerous or red-tagged building and/or blighted structure within the terms of §102 of this Ordinance;

4. Issue an order based upon said findings of fact demanding that the owner or other persons having an interest in said building repair, vacate, remove or demolish said building in accordance with the provisions of this Ordinance.

§106. Standards for Repair, Vacation or Demolition. The following standards shall be the basic guidelines to be followed by the Board of Supervisors in ordering the repair, vacation or demolition of any building or structure pursuant to the provisions of this Ordinance:

1. If the dangerous or red-tagged building or structure and/or blighted structure can be reasonably repaired so that it will no longer be in violation of the provisions of this Ordinance, the Board of Supervisors shall order that said building or structure be repaired.

2. If the dangerous or red-tagged building or structure and/or blighted structure cannot be reasonably repaired so that it will no longer be in violation of the provisions of this Ordinance, the Board of Supervisors shall order that said building or structure be demolished.

3. If the dangerous or red-tagged building or structure and/or blighted structure is in such condition so as to make it dangerous to the health, morals, safety or general welfare of its occupants the Board of Supervisors shall have the authority to order said building or structure to be vacated.

§107. Enforcement Procedures. If any building or structure is deemed to be a dangerous or red-tagged building and/or blighted structure pursuant to the provisions of this Ordinance, the Board of Supervisors of Warriors Mark Township shall immediately cause written notice to be served upon the owner, occupants and all other persons having an interest in said building or structure as shown by the land records of the Recorder of Deeds of the County of Huntingdon.

1. The Notice required by this §107 shall be served upon the owner, occupants and all other persons interested in said building or structure by sending said Notice by certified or registered mail to such individual at his last known address.

2. The Notice shall identify the building or structure deemed to be dangerous or red-tagged and/or a blighted structure, and contain a statement of the particulars which made this building or structure dangerous, and shall contain an order from the Board of Supervisors requiring said building or structure to be repaired and/or vacated and/or demolished; provided that in any case where the Notice includes an order to repair said building or structure, the owner thereof shall have the option to remove or demolish such building or structure in lieu of making the repairs thereto.

3. Said Notice shall require any person notified and ordered to repair, vacate or demolish any such building or structure to commence the work or act required by the Notice within ten (10) days of receipt of such Notice and to complete the required work or act within sixty (60) days thereof. The Board of Supervisors may, at their discretion, and upon presentation to said Board of evidence of good cause, grant extensions of time for the commencement and completion of such work or act required by the Notice.

4. In addition to the written Notice to be served as aforesaid, the Board of Supervisors shall cause a Notice to be placed upon any building or structure determined to be in a dangerous red-tagged condition, and/or determined to be a blighted structure which Notice shall read substantially as follows:

"This building has been found to be a dangerous or red-tagged building and/or blighted structure by the Board of Supervisors of the Township of Warriors Mark. 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 and other persons interested in this building. It is unlawful to remove this Notice until compliance is made under the provisions contained in the Notice given to the above-named party. This Notice is posted upon this building in accordance with the Warriors Mark Township Blighted Structure Ordinance."

5. Any person who has been notified pursuant to the terms of this Ordinance to repair or demolish any building or structure which has been determined to be in a dangerous or red-tagged condition and/or which is determined to be a blighted structure, shall immediately apply for and obtain from the Township of Warriors Mark the necessary permit to repair or demolish said building or structure. A fee as established from time to time by the Board of Supervisors shall be charged by the Township of Warriors Mark for such permit.

§108. Enforcement and Penalty.

1. Enforcement. The Township Supervisors, Code Enforcement Officer, and/or any other person authorized by the Board of Supervisors may enforce the violation of this Ordinance.

2. Penalties.

a. Any person who shall fail to comply with any Notice or order to repair, vacate or demolish any dangerous or red-tagged building and/or blighted structure issued pursuant to the provisions of this Ordinance, or any regulation or order issued thereunder, shall upon conviction thereof, be subject to a fine of not less than Three Hundred and no/100 (\$300.00) Dollars and not more than One Thousand and no/100 (\$1,000.00) Dollars and costs, and/or be sentenced to imprisonment in the Huntingdon County Jail for a period not exceeding ninety (90) days, and each day's continuance of a violation shall

constitute a separate offense. Penalties contained in this Part are in addition to any other remedies provided by this Part.

b. Any person removing the Notice provided for in §107, Subsection 4 hereof, shall upon conviction thereof, be subject to a fine of not less than Three Hundred and no/100 (\$300.00) Dollars and not more than One Thousand and no/100 (\$1,000.00) Dollars and costs for each offense, and/or to imprisonment in the Huntingdon County Jail for a period not exceeding ninety (90) days.

c. If the owner, occupant or any other person having an interest in any dangerous or red-tagged building or structure and/or blighted structure, as shown by the land records of the Recorder of Deeds of the County of Huntingdon, fails to comply with any Notice or order to repair, vacate or demolish any such building or structure within thirty (30) days, from the date of said Notice or order, the Township 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%) percent 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 such other person having an interest in the building, and, the recovery of such cost and expense, together with the aforesaid penalty, may be in addition to the penalty imposed in Paragraphs a and b of this §108.

§109. Emergency Cases. In cases wherein it reasonably appears that there exists an immediate danger in the life or safety of any person caused or created by a dangerous or red-tagged building as defined herein, the Board of Supervisors, their designated representative, and/or the Township Code Enforcement Officer may cause the immediate repair, vacation or demolition of such dangerous building and/or blighted structure. The costs of such emergency repair, vacation or demolition of such dangerous or red-tagged building and/or blighted structure shall be collected in the same manner as provided for in §108, Sub-Section 2.

§110. Liability. In the event that the owner of a building or structure, which has been determined to be a dangerous or red-tagged building and/or blighted structure within the provisions of this Ordinance, conveys said building or structure in any manner or method whether by sale, lease or otherwise, said owner shall still be responsible for compliance with the provisions of this Ordinance; and it is the intent of this Ordinance that the person acquiring said building or structure, shall be jointly and severally liable with the owner for compliance with this Ordinance.

## **SECTION 2. REPEAL OF CONFLICTING ORDINANCES.**

All Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.



**SECTION 3. SEVERABILITY.**

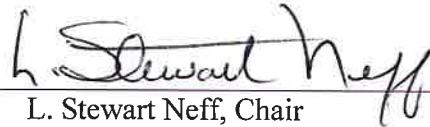
If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, operative or void, such holdings of invalidity shall not affect this remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

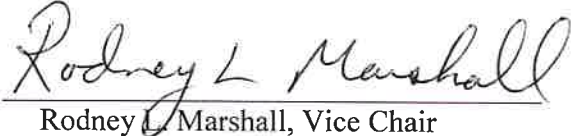
**SECTION 4. EFFECTIVE DATE.**

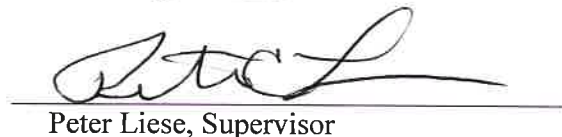
This Ordinance shall become effective upon the earliest date provided by law.

**ORDAINED AND ENACTED** as an Ordinance of the Township of Warriors Mark by the Board of Supervisors on this 1<sup>st</sup> day of June, 2021.

WARRIORS MARK TOWNSHIP  
BOARD OF SUPERVISORS

  
L. Stewart Neff, Chair

  
Rodney L. Marshall, Vice Chair

  
Peter Liese, Supervisor

ATTEST:

  
Julie Brenneman, Secretary