

ORDINANCE NO. 81  
TOWNSHIP OF RUSH  
SCHUYLKILL 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 RUSH; 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 Rush, in Schuylkill County, Pennsylvania, there are and may be in the future, buildings or structures which are dilapidated, 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 Rush Township, Schuylkill 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 "Rush 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 Rush, Schuylkill County, Pennsylvania.

2) The word "Board" shall mean the Board of Supervisors of the Township of Rush, Schuylkill 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.

### SECTION IV

#### HEARING PROCEDURES

The Board of Supervisors of the Township shall:

A) Upon receipt of a report in accordance with Section III of this Ordinance, give written notice to the owner or owners of said dangerous building as determined by the records in the Office

of the Recorder of Deeds of Schuylkill County, Pennsylvania; and failing to find any owner or owners, then to such occupant, mortgagee, lessee, agent or any other person having an interest in said dangerous building, to appear before the Board on the date specified in the Notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Notice provided for herein in Section VI(C);

B) Hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee or other person having an interest in said building shall offer relative to the "dangerous building";

C) Make written findings of fact from the testimony offered pursuant to Subsection B as to whether or not the building in question is a "dangerous building" within the terms of Section I(B)(3) hereof;

D) Issue an order based upon findings of fact made pursuant to Subsection C of this Section demanding the owner, occupant, mortgagee, lessee or any other person having an interest in said building to repair, vacate or demolish any building found to be a "dangerous building" within the terms of this Ordinance.

#### SECTION V

##### STANDARDS FOR REPAIR, VACATION OR DEMOLITION

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

A) If the dangerous building can be repaired as determined

by a Committee composed of the Zoning Officer and at least one member of 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 a Committee as provided for in Section A as set forth above, 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 VI

##### 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 Schuylkill 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.

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 fifty (50) days of the receipt of such Notice.

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 Rush, Schuylkill 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 VII

### 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 One Thousand (\$1,000.00) Dollars and costs and, in default of payment of the fine and costs, shall be subject to imprisonment in the Schuylkill 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 VI(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 shall be subject to imprisonment in the Schuylkill 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 Schuylkill County fails to comply with any Notice or order to repair, vacate or demolish any dangerous building within fifty (50) days of 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 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 Subsections A and B of this Section.

#### SECTION VIII

##### 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 VII(C).

#### SECTION IX

##### 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 X

##### 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 XI

This Ordinance shall become effective five (5) days after its passage or adoption.

ORDAINED AND ENACTED into an Ordinance this 5<sup>th</sup> day of  
October, A.D., 1989.

BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF RUSH, SCHUYLKILL COUNTY,  
PENNSYLVANIA

BY: Joseph A. Pinkney  
Chairman

BY: S. Paul Fegley  
Supervisor

Carol Ann Opet  
Secretary

BY: \_\_\_\_\_  
Supervisor