

**EAST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2010-_____

AN ORDINANCE AMENDING THE TOWNSHIP OF EAST FALLOWFIELD CODE OF ORDINANCES BY ADDING A NEW CHAPTER 4, PART 3, DANGEROUS STRUCTURES, TO PROVIDE FOR THE DEMOLITION OF ANY STRUCTURE DANGEROUS TO THE HEALTH, SAFETY OR GENERAL WELFARE; AND FOR THE ASSESSMENT OF THE COST 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 VIOLATIONS. EFFECTIVE FIVE DAYS FROM THE DATE OF ENACTMENT.

BE IT HEREBY ENACTED that the Township of East Fallowfield Code of Ordinances is hereby amended as follows:

Section 1. The Code is amended by adding a new Chapter 4, Part 4, Dangerous Structures, to read as follows:

Chapter 4

Buildings

Part 3

DANGEROUS STRUCTURES

- §4-301. Short title.**
- §4-302. Definitions.**
- §4-303. Dangerous structures as nuisances.**
- §4-304. Investigation procedure.**
- §4-305. Standards for demolition.**
- §4-306. Enforcement procedures.**
- §4-307. Penalties**
- §4-308. Historic resources.**

- §4-301. Short title.**

This chapter shall be known as and may be cited as "The East Fallowfield Township Dangerous Structure Ordinance."

- §4-302. Definitions and word usage.**

Unless otherwise specifically defined below, words or phrases used herein shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the chapter its most reasonable application consistent with its intent. Words used in the present text include the future and past, words in the plural number include the singular, words in the singular number include the words in the plural, and words either in the feminine, masculine, or neuter, shall include words of the other two genders. The following definitions shall apply to the interpretation and enforcement of this chapter:

BOARD - The Board of Supervisors of the Township.

CODE ADMINISTRATIVE OFFICER – The Code Administration Officer and Assistant Code Administration Officers appointed by the Board as the code officials under Chapter 5 of this Code.

DANGEROUS STRUCTURES - All buildings or structures, including but not limited to residences, garages, sheds, barns, commercial buildings, and industrial buildings, which have been damaged by fire, wind, or other cause so as to have become reasonably certain to place in peril the life and safety of the occupants or other people of the Township, or adjoining property.

TOWNSHIP - The Township of East Fallowfield, Chester County, Pennsylvania.

§4-303. Dangerous structures as nuisances.

- A. All Dangerous Structures are hereby declared to be public nuisances.
- B. Each day a nuisance in the form of a Dangerous Structure continues, after notice is given pursuant to §4-306 of this chapter that said Dangerous Structure is to be demolished, shall constitute a separate offense in violation of this chapter.

§4-304. Investigation procedure.

Whenever it shall be reported or come to the attention of the Code Administrative Officer that any structure, completed or in the process of construction, or any portion thereof, is in a dangerous condition, the Code Administrative Officer shall make an investigation and examination of such structure. If such investigation or examination indicates such structure to be a Dangerous Structure, a written report of such investigation shall be sent to the Board, specifying the exact condition of such structure and setting forth in what respect the structure is perilous and whether it shall be removed as a Dangerous Structure.

§4-305. Standards for demolition.

The Board shall have the discretion to order the demolition of a Dangerous Structure. If the Board orders the demolition of a Dangerous Structure, it shall be demolished and the debris from such demolition shall be properly disposed of in accordance with all applicable laws and regulations. In addition, after the demolition and debris removal have been completed, the

ground disturbed by such demolition and debris removal shall be returned to grade with clean fill, seeded and mulched.

§4-306. Enforcement procedures.

- A. If any structure is deemed to be a Dangerous Structure pursuant to the standards of this chapter, the Code Administrative Officer shall forthwith cause notice to be served by certified mail upon the owner or owners of such dangerous structure at the last known address as determined by the records in the Office of the Recorder of Deeds/Tax Assessment Office in and for the County of Chester, or failing to find any owner or owners, then such notice shall be posted on the property for a period of not less than ten (10) days and mailed to the last known address of the owner.
- B. Such notice shall identify the structure deemed dangerous, contain a statement of the particulars which made this structure a Dangerous Structure, and include an order to demolish the same.
- C. Such notice shall require any person notified to demolish any structure to commence the work or act required by the notice within ten (10) days of such notice and to comply with such demolition within sixty (60) days from the receipt of such notice.
- D. Such notice shall be served by ordinary mail upon the following:
 - 1. Every other person who has any record lien on that property.
 - 2. Every other person who has any record interest in that property.
 - 3. Every other person who has any interest in that property not of record of which the Township has knowledge.

§4-307. Penalties.

- A. All fines provided for in this section shall be in addition to costs.
- B. Any person who shall fail to comply with any notice or order to demolish any Dangerous Structure, which notice is served in accordance with this chapter shall, upon conviction before a Magisterial District Judge, be subject to a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000) dollars. Every day that a person fails to comply with any notice or order to demolish any Dangerous Structure shall be deemed a separate violation of this chapter.
- C. Any person who wrongfully removes the notice provided for in §4-306.A. shall, upon conviction before a Magisterial District Judge, be subject to a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000) dollars.
- D. Any person having an interest in any structure who fails to comply with any notice or order to demolish any Dangerous Structure within sixty (60) days of the receipt of such

notice, by such failure, does empower the Board to cause such structure to be demolished by the Township and to cause the costs of such demolition together with a penalty of ten (10%) percent to be charged upon the land upon which the structure exists as a municipal lien, or alternatively to recover such costs and penalty together with reasonable attorney fees incurred by the Township, in a suit at law against the owner or owners, but, failing to recover same, the judgment therefore shall be charged upon the land as a lien; and, this subsection is separate from and in addition to the fine, penalty, and costs which may be imposed by any other subsection of this chapter.

§4-308. Historic resources.

The provisions of this chapter shall not apply to the demolition of historic structures as defined in §27-201. The demolition of historic structures shall be governed by §27-2405.

Section 2. This Ordinance shall become effective five (5) days after enactment hereof.

ENACTED and **ORDAINED** this day of , 2011.

**BOARD OF SUPERVISORS
EAST FALLOWFIELD TOWNSHIP**

Chris Amentas, Chairman

Chris Makely, Vice Chairman

Gary Barach, Member

George Broadbent, Member

Mark Toth, Member

ATTEST: _____

Denise Miller, Secretary