

DANGEROUS BUILDING

An Ordinance to promote the public health, safety and welfare of inhabitants of Whiteford Township, by providing for hearings relating to alleged dangerous buildings, establishing the hearing procedure and establishing the procedure for repair or demolition of dangerous buildings, and establishing the procedure to make the cost of repair or demolition a lien against the real estate.

THE TOWNSHIP OF WHITEFORD ORDAINS:

SECTION 1. UNLAWFUL CONDUCT

It is unlawful for any owner or agent thereof to keep or maintain any dwelling or building or structure or part thereof which is a dangerous building as defined in the following section.

SECTION 2. DEFINITION

As used in Section 1, "Dangerous Building" means any building or structure which has any of the following defects, or is in any of the following conditions:

- (a). Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (b). Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (c). Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- (d). Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- (e). Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (f). Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Building Code for such buildings.

(g). Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(h). Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration or decay; (2) faulty construction; (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.

(i). Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(j). Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(k). Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(l). Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children; (2) a harbor for vagrants, criminals or immoral persons; or as to (3) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(m). Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings.

(n). Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 66 percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(o). Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(p). Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

(g). Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(r). Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

SECTION 3. NOTICE: CONTENTS: HEARING OFFICER: FILING OF NOTICE WITH OFFICER: SERVICE

(1) Notwithstanding any other provision of this Ordinance, when the whole of any part of any building or structure is found to be in a dangerous or unsafe condition, the enforcing agency shall issue a notice of the dangerous and unsafe condition.

(2) Such notice shall be directed to the owner, agent or lessee in whose name the property appears on the last local tax assessment records.

(3) The notice shall specify the time and place of a hearing on the condition of the building or structure at which time and place the person to whom the notice is directed shall have the opportunity to show cause why the building or structure should not be ordered to be demolished or otherwise made safe.

(4). The hearing officer shall be appointed by the Township Supervisor to serve at his pleasure. The enforcing agency shall file a copy of the notice of the dangerous and unsafe condition with the hearing officer.

(5). All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified mail - return receipt requested, addressed to such owner or party in interest at the address shown on the tax records, at least 10 days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

SECTION 4. HEARING: TESTIMONY, DECISION, ORDER: NONAPPEARANCE OR NONCOMPLIANCE: REVIEW, ORDER TO SHOW CAUSE: COSTS.

(1) The hearing officer shall take testimony of the enforcing agency, the owner of the property and any interested party. The hearing officer shall render his decision either closing the proceedings or ordering the building to be demolished or otherwise made safe.

(2) If it is determined by the hearing officer that the building or structure should be demolished or otherwise made safe, he shall so order, fixing a time in the order for the owner, agent or lessee to comply therewith.

(3). If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order, the hearing officer shall file a report of his findings and a copy of his order with the Whiteford Township Board, and request that the necessary action be taken to demolish or otherwise make safe the building or structure. A copy of the findings and order of the hearing officer shall be served on the owner, agent or lessee in the manner prescribed in this Ordinance.

(4). The Whiteford Township Board shall fix a date for hearing, reviewing the findings and order of the hearing officer and shall give notice to the owner, agent or lessee in the manner prescribed in this Ordinance of the time and place of the hearing. At the hearing the owner, agent or lessee shall be given the opportunity to show cause why the building should not be demolished or otherwise made safe and the Whiteford Township Board shall either approve, disapprove or modify the order for the demolition or making safe of the building or structure.

(5). The cost of the demolition or making the building safe shall be a lien against the real property and shall be reported to the assessing officer of the Township of Whiteford, who shall assess the cost against the property on which the building or structures is located.

(6). The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he fails to pay the same within 30 days after mailing by the assessor of the notice of the amount thereof, the assessor shall add the same to the next tax roll of such Township of Whiteford and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by such township.

SECTION 5

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor, punishable by a fine of not to exceed one hundred (\$100.00) dollars or imprisonment in the Monroe County Jail, not to exceed ninety (90) days, or both such fine and imprisonment, in the discretion of the Court.

SECTION 6

This Ordinance shall be in full force and effect thirty (30) days after publication, and shall be published in the Monroe Evening News, a newspaper circulating within said Township within ~~thirty~~ 30 days after passage.

I, Murl Roscoe, Clerk of Whiteford Township, do hereby certify that the above Ordinance was approved and adopted by the Whiteford Township Board, at the regular meeting thereof, held on the 19th day of August, 1980, the vote thereon being as follows:

In favor of the Ordinance (5)

Against the Ordinance (0)

Murl Roscoe
Murl Roscoe, Clerk

ATTEST:

P. D. A. D. D. D. D.