

CHAPTER 4

BUILDINGS

(See: Chapter 5, CODE ENFORCEMENT)

Part 1

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Part 1

Dangerous Structures

§101. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUILDING - an independent structure having a roof supported by columns or walls resting on its own foundation and includes dwelling, garage, barn, stable, shed, greenhouse, mobile home, plant, factory, warehouse, school or similar structure.

DANGEROUS BUILDING - those existing in violation of any provision of the Building Code, Fire Prevention Code or ordinances of North Lebanon Township, including the International Property Maintenance Code, as amended, which are part hereof and incorporated by reference as if textually set forth at length, unless any such provision is in conflict with a North Lebanon Township Ordinance. [Ord. 1-2007]

DWELLING - any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

EXTERMINATION - control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible, materials that may serve as food, poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

GARBAGE - animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - presence, within or around a dwelling, of any insects, rodents or other pests.

OWNER - person who, alone or jointly or severally with others:

- (1) Shall have legal title to any dwelling or dwelling unit, without accompanying actual possession thereof.
- (2) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner or as executor, executrix, administrator, administratrix or guardian of the estate of the owner. Any such person, thus representing the actual owner, shall be bound to comply with the provisions of this Part and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

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PERSON - any individual, firm, corporation, association or partnership or other legal entity.

PROPERTY - a piece, parcel, lot or tract of land.

RUBBISH - combustible and noncombustible waste materials, except garbage, including residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

STRUCTURE - anything constructed or erected with a fixed or ascertainable location on the ground or in water, wether or not affixed to the ground or anchored in the water, including buildings, walls, fences, platforms, docks, wharves, billboards, signs and walks. Whenever the words "dwelling," "dwelling unit" or "premises" are used in this Part, they shall be construed as though they were followed by the words "or any part thereof."

(Ord. 1-1999, 8/16/1999, §II; as amended by Ord. 1-2007, 5/21/2007, §II)

§102. Dangerous Buildings Declared Nuisances.

All dangerous buildings within the terms of §101 of this Part are hereby declared to be public nuisances and shall be repaired, vacated or demolished as herein provided. (Ord. 1-1999, 8/16/1999, §II)

§103. Standards for Repair, Vacation or Demolition.

The following standards shall be followed in substance by the Enforcement Officer of North Lebanon Township in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this Part, it shall be ordered to be repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants or the public and is so placarded, it shall be ordered to be vacated within such length of time, not exceeding thirty (30) days, as is reasonable.
- C. No dwelling or dwelling unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Enforcement Officer. The Enforcement Officer shall remove such placard whenever the defect or defects upon which the placarding action were based have been eliminated.
- D. If a dangerous building is fifty percent (50%) or more damaged or decayed or deteriorated from its original condition; if a dangerous building cannot be repaired, so that it will no longer exist in violation of the terms of this Part;

or is a dangerous building is a fire hazard existing or erected in violation of the terms of this Part or any ordinance of North Lebanon Township or statute of the Commonwealth of Pennsylvania, it shall be ordered to be demolished; provided, the cost of repairs to rectify or remove the conditions constituting the nuisance exceed fifty percent (50%) of the market value of the building at the time demolition is proposed.

- E. All maintenance, repair, vacation or demolition of building shall also meet the requirements of the International Property Maintenance Code. [Ord. 1-2007]

(Ord. 1-1999, 8/16/1999, §II; as amended by Ord. 1-2007, 5/21/2007, §II)

§104. Duties of Enforcement Officer.

The Enforcement Officer, and those who are acting under the authority of the Enforcement Officer, shall have the right to enter unto any property in North Lebanon Township to inspect, on a regular basis, lands, dwellings, buildings and structures to determine whether any conditions exist which render such premises dangerous structures within the terms and provisions of this Part. (Ord. 1-1999, 8/16/1999, §II; as amended by Ord. 1-2007, 5/21/2007, §II)

§105. Removal of Notice Prohibited.

No person shall move or deface the notice of a dangerous building, except as provided in §103(C). (Ord. 1-1999, 8/16/1999, §II)

§106. Emergency Cases.

Whenever the Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, he may issue an order reciting the existence of such an emergency and requiring that such action be taken as necessary to meet the emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein for other cases. (Ord. 1-1999, 8/16/1999, §II)

§107. Appeals to the Appeal Board, Abatement by North Lebanon Township, Injunctive Relief, and Collection of Expenses of North Lebanon Township.

1. In all cases involving the International Property Maintenance Code, any person directly affected by the decision of the Enforcement Officer may appeal the decision to the Board of Appeals under the procedures set forth in the International Property Maintenance Code. The Board of Appeals shall be established from time to time by

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Resolution of the Board of Supervisors of North Lebanon Township, and the appellant shall pay to North Lebanon Township such fees and costs as are determined by the Board of Supervisors of North Lebanon Township.

2. If the owner, occupant, mortgagee or lessee fails to comply with the order of the Enforcement Officer within the time specified in the notice issued by the Enforcement Officer, such Enforcement Officer may cause such building or structure to be repaired, vacated or demolished, as determined by North Lebanon Township in accordance with the standards hereinbefore provided. North Lebanon Township may collect the costs of such repair, vacation or demolition, including legal fees and all other costs incurred by North Lebanon Township, together with a penalty of ten percent (10%) of such costs. In the alternative, North Lebanon Township may seek injunctive relief in the Court of Common Pleas of Lebanon County, Pennsylvania in an equity proceeding to require the owner, occupant, mortgagee or lessee to comply with the orders as issued by the Enforcement Officer, and in such proceedings, North Lebanon Township may recover penalties as provided herein, legal fees, court costs and any other expenses incurred by the Township.
3. In any action that is taken pursuant to this Part by the Enforcement Officer, the owner or owners of such property shall pay to North Lebanon Township any and all costs incurred by North Lebanon Township for legal fees, engineering costs, or other costs of the Township for inspection and enforcement of this Part.

(Ord. 1-1999, 8/16/1999, §II; as amended by Ord. 1-2007, 5/21/2007, §II)

§108. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000) and, in default of payment thereof, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense. (Ord. 1-1999, 8/16/1999, §II)

§109. Repealer.

This Part shall not repeal any present building codes as adopted by North Lebanon Township and shall not repeal any ordinances of North Lebanon Township that are not in conflict with this Part. (Ord. 1-1999, 8/16/1999, §II)

§110. Severability.

If any sentence, clause, Section or part of this Part is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of North Lebanon Township that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause,

Section or part thereof not been included herein. (Ord. 1-1999, 8/16/1999, §II)

