

**ORDINANCE NO. 2014-01**

AN ORDINANCE OF THE TOWNSHIP OF GREENFIELD AMENDING ORDINANCE NO. 1990-05, “AN ORDINANCE OF THE TOWNSHIP OF GREENFIELD, COMMONWEALTH OF PENNSYLVANIA, FOR THE PROTECTION OF THE PUBLIC HEALTH, DEFINING NUISANCES AND DECLARING CERTAIN CONDITIONS, PLACES AND THINGS TO BE NUISANCES AND PROHIBITING THE SAME, AND PROVIDING FOR THE ABATEMENT THEREOF AND PENALTIES FOR THE VIOLATION THEREOF”; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Greenfield, Blair County, Pennsylvania, pursuant to the authority granted to said Township Supervisors under Section 1529 of the Pennsylvania Second Class Township Code, 53 P.S. §66529, that Greenfield Township Ordinance No. 1990-05 is hereby amended as set forth in this Ordinance, wherein all additional language shall be indicated by underlining and all language to be deleted shall be indicated by ~~strikethrough~~ as follows::

**SECTION 1 - 2.** Unchanged.

**SECTION 3.** Nuisance Specifically Defined. Without limiting the foregoing general definition, the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:

The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, avenue, alley, parkway or other private or public place in the Township of Greenfield of any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat harboring, disease-causing places, conditions or things, that is to say:

(1) – (8) Unchanged.

(9) ~~Any unsightly building, billboards or other structures or any unguarded or unprotected foundation or other similar structure which are not maintained so as to prevent shall children or persons from falling in the same.~~ Blighted structures and dangerous properties.

(a) 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 Greenfield;

(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 Greenfield;

(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 Greenfield 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.

(b) Public Nuisances. All "Dangerous or Red-tagged Buildings, Property or Structures" and all Blighted Structures within the terms of §3(9)(a) of this Ordinance are hereby declared to be public nuisances and shall be vacated, removed, repaired or demolished as hereinbefore and herein after provided.

(c) 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, Chief of Police or Code Enforcement Officer. All such reports made by members of the public must be made in writing and must include the correct address of the property and a description of the condition being reported. Upon receipt of such a report, the Township Supervisors shall immediately cause an investigation and examination to be made of such building, property or structure. Such investigation and examination shall be made by the Greenfield Township Police Department, Code Enforcement Officer or other individual designated by the Township Supervisors. If said investigation and examination indicates that the said building, property 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.

(d) Hearing Procedures. Upon receipt of a report in accordance with §3(9)(c) of this Ordinance, the Board of Supervisors of Greenfield 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 Blair 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 §3(9)(a) 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.

(e) 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.

(f) 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 Greenfield 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 Blair County.

1. The Notice required by this section 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 Greenfield Township. 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 Greenfield Township Nuisance 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 Greenfield 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 Greenfield for such permit.

(g) 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.

(i) 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 be subject to the penalties contained in SECTION 8 of this Ordinance.

(ii) Any person removing the Notice provided for in §3(9)(f)(4) hereof, shall be subject to the penalties contained in SECTION 8 of this Ordinance.

(iii) 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 Blair, 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 (g)(2)(i) and (ii) of this subsection.

(h) 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 §3(9)(g)(2).

(i) 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.

(10) – (11) Unchanged.

**SECTION 4 – 7.** Unchanged.

**SECTION 8.** ~~Every person who shall violate any of the provisions of this Ordinance shall be guilty of an offense, and upon conviction thereof, shall be punished by a fine not exceeding Six Hundred (\$600.00) Dollars, including such sums as may be fixed for the abatement thereof, or in default of payment thereof, to imprisonment in the county prison for a period not exceeding thirty (30) days, or both. Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this Ordinance commits a summary offense and 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 Blair 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.~~

**SECTION 9.** In the event an owner and/or occupant of any premises violates this Ordinance by causing, maintaining of permitting to exist a public nuisance on said premises, the Supervisors may give or cause to be given written notice to said owner and/or occupant to remove or abate said public nuisance. The notice shall state that unless the said public nuisance shall have been removed or abated within such reasonable time as specified therein (but not less than ten (10) days) after giving of notice, the Supervisors may remove or abate the public nuisance or cause it to be removed

or abated at the cost and expense of said owner and/or occupant. The Supervisors are hereby authorized to collect the cost of such removal or abatement, together with a penalty of not more than ten (10%) percent thereof, from the owner and/or occupant ~~by summary proceedings or in the manner provided for the collection of municipal or by an action of assumpsit without the filing of a claim~~ permitted by the Pennsylvania Municipal Claims and Tax Liens Act, 53 P.S. §7101 et seq. The ten (10) day notice provision herein shall not apply to Section 3(6); that is, ten (10) day notice shall not be required to be sent to a person violating Section 3(6); that is, ten (10) day notice shall not be required to be sent to a person violating Section 3(6) prior to being issued a citation or arrest.

**SECTION 10.** Unchanged.

**SECTION 11.** Unchanged.

**SECTION 12.** Unchanged.

**SECTION 13.** All reports of nuisances made by members of the public, other than those made relative to immediately occurring violations occurring under §3(6) of this Ordinance, must be in writing and must include the correct address of the property and a description of the condition being reported.

**SECTION 14.** Effective Date.

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

**ORDAINED AND ENACTED** as an Ordinance of the Township of Greenfield this \_\_\_\_ day of \_\_\_\_\_, 2014.

GREENFIELD TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
James Betar, Chairman

\_\_\_\_\_  
Joseph D. Claar, Vice Chairman

\_\_\_\_\_  
Alton G. Ebersole

ATTEST:

\_\_\_\_\_  
Teresa Patterson, Secretary